

HOSTILITIES WITH CREEK INDIANS.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*The information required by a resolution of the House of Representatives, of the 1st of July last, in relation to the hostilities then existing with the Creek Indians, &c. &c.*

FEBRUARY 14, 1837.

Read, and laid upon the table.

*To the House of Representatives:*

I transmit, herewith, a copy of the instructions, prepared under my direction, by the War Department, for the commissioners appointed by me, in pursuance of the request contained in the resolution adopted by the House of Representatives, on the 1st of July last, to investigate the causes of the hostilities then existing with the Creek Indians; and, also, copies of the reports on that subject received from the commissioners.

ANDREW JACKSON.

WASHINGTON CITY, *February 14, 1837.*

WAR DEPARTMENT,

*February 11, 1837.*

SIR: I have the honor to lay before you, for transmission to the House of Representatives, copies of the reports of the Hon. Thomas H. Crawford and Alfred Balch, Esq., who were appointed commissioners to investigate the causes of the late hostilities of the Creek Indians, under a resolution of that body, passed on the 1st of July, 1836.

No report has yet been received from these gentlemen in relation to the frauds committed on these Indians in the sale of their reservations, an inquiry into which was requested in the same resolution. They are, however, prosecuting this branch of the subject with great vigor, and it is believed they will succeed in effecting the objects contemplated.

I also lay before you a copy of the instructions given to Messrs. Crawford and Balch, when they were appointed.

Very respectfully,

Your most obedient servant,

B. F. BUTLER,

*Secretary of War ad interim.*

To the PRESIDENT.

WAR DEPARTMENT,

July 12, 1836.

GENTLEMEN: I have the honor to enclose, herewith, the copy of a memorial addressed to the Congress of the United States, and of a resolution of the House of Representatives, referring this memorial to the President for his action. I enclose, likewise, a brief memoir, giving a summary of the transactions arising out of the Creek treaty of 1832, so far as these are disclosed by the official documents in this department. To these are added copies of all the papers in relation to this whole subject, which can serve to throw light upon it, or which appear to be necessary to guide you in the investigations committed to you.

The President has selected you to conduct this inquiry. You will be allowed for your services eight dollars a day for every day actually engaged in the business, and eight dollars for every twenty miles of necessary travel.

Your duties will divide themselves into two distinct branches:

1. The investigations into the causes of hostilities, and into any other transactions connected with the contracts for the sale of Creek lands, which may lead to prosecutions before the tribunals of justice for criminal offences; and

2. The inquiries necessary to do justice to the Indians, and to the parties claiming to have purchased their lands.

With respect to the first, it would be difficult (nor, indeed, is it necessary) to give you any detailed instructions. It is particularly important to learn the causes of the present hostilities of the Indians, and to determine how far, and in what manner, they have been connected with these land transactions; and, especially, to ascertain what steps have been taken by any white persons to excite the Indians to war. You will proceed to the country which has been the theatre of these operations, and you will there seek all the information within your reach which can enable you to arrive at satisfactory conclusions. Wherever you have just cause to believe that any persons have committed any breaches of the United States' laws, either in relation to the commencement or prosecution of the hostilities with the Indians, or to the procuring of contracts, you will cause the necessary prosecutions to be instituted against such persons in the proper courts of the United States. As your duties will be extrajudicial; you will, of course, not have the power of calling witnesses before you. But you will be in the midst of the community which has been deeply affected by these transactions, and which must be able and willing to furnish you with information which cannot but lead to practical conclusions. Wherever you have reason to believe that a person possesses knowledge of facts which may be useful in the investigation, you will request him to appear before you; and, if he should so appear, you will request him to be sworn, and his affidavit to be

reduced to writing. Keep a journal of all your proceedings, and enter upon it any statements which may be made to you.

With respect to the second branch of the inquiry, (the examination of these Indian contracts, with a view to confirm or set them aside,) the enclosed documents will give you full information. The President commits the whole matter to your discretion. You are at liberty to pursue such a course in relation to it as you may think proper. The great object is to do justice to the respective parties; to set aside the fraudulent contracts, and to confirm the honest ones. The instructions heretofore given, copies of which you will find herewith, will make known to you the views of the President, both with respect to the end to be attained, and the means to be adopted. So far as relates to your mode of proceeding, where the rights of parties are involved, I recommend to you to follow the principles laid down in these instructions. With respect to the public notices to be given, the investigations to be made, the places where they shall be held, and all other matters relating to this business, you will exercise your own discretion. Contracts, which have been approved and certified, cannot be set aside without the action of the President. Such cases must be reported here, with your opinion. All other reservations will be open for conveyance, under your direction. You can appoint certifying agents, who will be allowed the compensation prescribed in the regulations.

The last investigation was interrupted by the Creek war. The gentlemen to whom it was committed seemed to be pursuing a proper course, and, so far as they have definitively reported, their decisions have been confirmed by the President. I am aware it is a matter of some difficulty to determine what course of proceeding you will adopt, more particularly as many of the Indians will have probably left the country before the commencement of your labors. But you are authorized, should you deem it necessary, to appoint one or more persons, with a reasonable compensation, to proceed to the Creek country west of the Mississippi, to procure any information you may require from them. The superintendent (Mr. Armstrong) will be directed to afford you any aid in his power.

It is not at present known how soon the Creek Indians will leave Alabama, nor whether General Jesup, under the instructions which he has received, and a copy of which is enclosed, has permitted any conveyance of lands, subsequent to the commencement of the present difficulties. He was authorized to do so, as you will perceive, in order that no impediment should exist to the voluntary removal of the friendly portion of the Indians, and with that view to permit them, at the risk of the purchasers, to convey their lands upon a proper consideration. As it was not possible to prepare in time a list of the approved contracts, it necessarily followed that every person making the purchase would do so, depending on the honesty of the Indians, and subject to the risk of a preceding conveyance. These circumstances General Jesup was required publicly to make known. No reports have yet been received on the subject, and, consequently, it is not known whether any thing has been done. As fast as any information is received, it shall be communicated to you; and letters will be directed to you at Columbus, Georgia, where you can have directions sent for forwarding them to you. Should the removal of the Creek Indians have been principally effected before your investigations are undertaken, the practical question, so far as relates to any fraudulent contracts, and to their vacation with a view to put the Indians again in possession of their rights, and as

to the mode of proceeding, would be one of some importance, and upon which you must decide, after a full consideration of all the circumstances.

You are authorized to call to your aid the district attorneys of Georgia, and of both the districts of Alabama; and those gentlemen will be requested to co-operate with you whenever you may find it necessary to ask for their services. They will also be desired to institute prosecutions against any persons whom you may believe have been guilty of violations of the laws, when the necessary proof can be procured. It is very desirable that the whole matter should be placed before the grand juries of the proper districts, and that all the evidence necessary to their action should be brought before them. I would recommend that you should both attend the proper courts, and aid the district attorneys in this part of their duties. Spare no pains to procure a full disclosure of every fact important to a fair understanding of this whole subject, and for the punishment of any persons who have exposed themselves to the penalties of the laws.

You will proceed to the execution of your duties as soon as you can conveniently do so, and pursue your investigations without any unnecessary delay. You will make to this department a full report of your transactions. A secretary will be appointed to aid you in your duties, who will be allowed five dollars a day, for his services, and five dollars for every twenty miles travel, who will be paid upon your certificate.

A copy of this letter has been sent to each of you; and, if you accept the appointment, you will please to correspond with each other as to the time and place of your first meeting.

Very, &c.,

LEWIS CASS.

TO THOMAS H. CRAWFORD, Esq., Chambersburg, Pa., and  
ALFRED BALCH, Esq., Nashville, Tennessee.

EXECUTIVE DEPARTMENT, ALABAMA,  
Tuscaloosa, October 27, 1836.

GENTLEMEN: I have had the honor to receive yours of yesterday, in which you refer to the resolution of the House of Representatives of the United States, adopted at the late session of Congress, authorizing the President of the United States to "take such measures as in his judgment might seem expedient, to inquire into certain frauds alleged to have been committed in the sale and purchase of reservations of land to the Creek Indians, and into the causes of their late hostilities;" and to your appointment by the President for the purposes indicated by that resolution. Your inquiries are confined to the causes of the late hostilities with the Creek Indians, in relation to which you request my opinion.

I must say, in reply, *I have no personal knowledge of facts* on which to found an opinion on the subject to which you allude. I am not aware that I have had any communication, personally or by letter, with any individual who may have been implicated in the excitement of hostilities. So far as I am able to judge from the communications of individuals, or from indications of public sentiment, as expressed at public meetings and otherwise, it seems to me the opinion prevails extensively, if not almost universally, that the frauds and forgeries practised upon the Indians to deprive them of their lands were amongst the principal causes which excited them to hostilities.

Some of those with whom I have conversed have ascribed the war to

the combined influence of several causes : to the frauds and forgeries before mentioned ; to the vice and intemperance introduced amongst them by a class of white men ; and to the destitute and almost starving condition to which they were reduced, mainly by the operation of the two former. With the means of information in my power, I am inclined to believe the latter opinion most correct.

I beg leave to refer you to the copy of a letter from Major General Gilbert Shearer, commanding the 6th division of Alabama militia, bordering upon the Creek country, dated 2d May last, which has some reference to the subject of your communication ; and also to the copy of one from Major General William Irwin, commanding the 5th division, bordering upon and including part of the territory which was occupied by the hostile Indians, dated 4th May last, with which you have already been furnished.

With the highest respect,

I am, gentlemen,

Your most obedient servant,

C. C. CLAY.

Messrs. T. HARTLEY CRAWFORD, and  
A. BALCH, *Commissioners, &c.*

EXECUTIVE DEPARTMENT, GEORGIA,  
*Milledgeville, October 7, 1836.*

GENTLEMEN : I have the honor to acknowledge the receipt of your letter of the 3d instant, in which you request me to communicate to you, as commissioners on the part of the United States to inquire into the causes of the recent Creek hostilities, such information as I may have, and which may be communicated consistently with my ideas of propriety and public duty, in regard to the causes of these hostilities, the time when the aspect of things on the Chattahoochee became alarming, the time when the means of meeting reasonable anticipations of danger to the white population of Alabama and Georgia were resorted to by the State and General Governments, and what those means were.

Of the causes which led to the Creek war I know nothing, and can, therefore, only give you my opinion, with the reasons on which it is founded.

The great majority of the Creek Indians are idle, dissolute vagrants, many of whom had, for a long time, been subsisting on provisions stolen, mostly from the people of Georgia living on and near the Chattahoochee. They were in the daily practice of crossing the river, stealing cattle, horses, hogs, corn, and such other articles as they wanted. If the people thus robbed objected, or attempted to resist or punish them, they would add murder to their other crimes. Many of them were in a state of starvation, and had no means of obtaining subsistence, except by depredations on the property of the white people. In the prosecution of their unlawful purpose they were sometimes detected, and, in the conflict which ensued, some of each party were occasionally killed. A state of bad feeling was the consequence on both sides, and, with the Creeks, ripened into a determination to revenge the death of their guilty comrades. They were, moreover, determined not to emigrate to Arkansas ; and believed that, in the moment of panic and consternation produced by their hostilities, they could escape to Florida with the booty they could obtain from the murdered and fleeing inhabitants.



These, in my opinion, were some of the causes which produced the Creek war.

Public opinion has, in some sections of the State, assigned, as a principal cause of hostilities, the frauds which are alleged to have been committed on the Creeks in the purchase of their lands. Of this I know nothing, and have no evidence on which to form an opinion. I cannot, therefore, either affirm or deny the truth of the report.

The predatory incursions of the Creeks into Georgia kept up a constant excitement in the counties on and near the Chattahoochee, which produced repeated calls on the Executive of the State for protection. In the month of January last, arms and ammunition were sent to the counties thus annoyed, and in each a corps of twenty men was formed and called into service as spies to watch the movements of the Indians, and give notice of their conduct to the commanding officer of the county, or to chastise and drive them off, if their numbers were not too great.

These companies were kept in service until about the 10th March, when they were superseded by a small battalion of mounted men, consisting of about two hundred, under the command of Major John H. Howard. This force was placed on the Chattahoochee, eighteen miles below Columbus, with instructions to patrol the country; and it had the effect to tranquillize the frontier until early in the month of May, when the Creeks commenced open active hostilities, by murdering the white people and burning their towns and property, and carrying away such booty as they could procure.

The first notice I received of this state of things on the frontier was contained in a communication from the honorable John Fontaine, mayor of Columbus, dated on the 9th day of May, and received at the Executive office on the 11th. On the 12th I sent to Columbus one six-pound field-piece and all the small arms remaining in the arsenal, and wrote to the Secretary of War, giving him information of the situation of the people in that quarter, and the general hostility of the Indians. On the 13th I issued an order inviting volunteers to march to the scene of danger, and used all the exertions in my power to bring to the field a competent force, and furnished them with munitions of war.

The troops began to arrive on the frontier the last of May, and the first company was mustered into the service on the 2d or 3d of June, as well as I now recollect. Previous to this, however, the militia of the neighborhood had been called out for temporary protection, and until the army could be assembled. The troops, as fast as they arrived and could be provided with arms, &c., were placed at different points on the river below Columbus, to prevent the escape of the enemy to Florida. The number of Georgia troops that flocked to the standard was between four and five thousand, besides which there was a considerable number of regular troops. But most of the Georgians were without arms, and, consequently, were not in a condition to go in search of the hostile Indians, until about the 18th or 20th June, when the troops received arms and took up the line of march under Generals Scott and Sanford.

I have the honor to be,

Very respectfully,

Your obedient servant,

WILLIAM SCHLEY.

Messrs. ALFRED BALCH, and

T. HARTLEY CRAWFORD,

*Columbus, Georgia.*

*Report of A. Balch, commissioner on the causes of the Creek hostilities.*

To the Hon. BENJAMIN F. BUTLER,  
*Secretary of War.*

The undersigned, a commissioner appointed under the following resolution of the House of Representatives of the Congress of the United States, adopted on the 1st day of July, 1836, to wit:

"*Resolved*, That the President of the United States do cause measures to be taken for investigating certain alleged frauds in the purchase of the reservations of the Creek Indians, and the causes of their hostilities," has the honor to report, &c.

The settlement of a colony of Englishmen, between the rivers Savannah and Altamaha, was projected in Great Britain in the year 1732.

It was to be composed mainly of indigent persons, residing in that kingdom, who were willing to emigrate to the western shores of the Atlantic, and who might protect South Carolina from the hostile incursions of the Spaniards of St. Augustine, and the neighboring savages.

The views of those who were engaged in perfecting this scheme were benevolent. Opulent men contributed liberally to the expenses incurred in transporting a considerable number of settlers to the place that was fixed on for the proposed establishment.

The then reigning sovereign, George the Second, made a grant of land, by letters patent, to those leaders who had generously embarked in this enterprise.

The new province was called Georgia, in honor of the prince who had encouraged this novel undertaking with his peculiar favor.

In the spring of 1733, more than one hundred emigrants, led by James Oglethorpe, arrived at Charleston, whence they soon departed for Savannah.

Although the founders of this colony protested that their views were peaceful and philanthropic, yet a part of the funds advanced was expended in the purchase of arms and munitions of war.

The first acts of these colonists, after they reached Savannah, were to build a fort for their protection; to embody and equip completely all those who were able to take the field; and to appoint competent officers to command them. A treaty of friendship was concluded between Governor Oglethorpe and the neighboring Creeks.

Every man of the colony was at once a soldier, who was armed for war, and a planter, who was supplied with the necessary tools and utensils for agricultural purposes.

Each tract of land granted was a military fief, for which the occupier was bound to take the field, whenever called upon, to repel the attacks of the savages.

All the precautions which were used could not save the colonists of Savannah, and those who settled soon afterwards south of them, on the Altamaha, from frequent wars with the Spaniards of St. Augustine, and their allies, the Creeks. At length, disheartened by the sufferings of twenty years, they at last petitioned to throw off their provincial character, and become a royal colony; which request was granted in 1752.

From this period till the peace of 1763, the settlers were exposed to great dangers, and endured incredible hardships, in continual and bloody conflicts with their neighbors.

The commencement of our revolution was a summons to the Creeks to

fly to arms, which was promptly obeyed. They took an active part against us; and even after the general peace of 1763, and the adoption of our federal constitution afterwards, this tribe, headed by their celebrated leader, Alexander McGillivray, who had adhered to the British throughout the recent contest, were the terror of the border inhabitants all along the western frontier of Georgia.

Treaties of peace were made only to be broken. The tranquillity which they promised was soon interrupted. United into small bands; aiming their blows at different and distant points at the same moment; retiring as suddenly and stealthily as they had advanced; it was impossible for the settlers to know when they would be assailed, or to present an adequate defence at the numerous points where they were continually attacked.

The territory claimed and held by the Creeks in 1732, stretched from the Atlantic to the Alabama river west, and south from the southern boundary line of South Carolina to the northern boundary line of the Spanish provinces of East and West Florida.

Soon after the elevation of General Washington to the Presidency, he solicited the Creeks to send delegates to New York, where, on the 7th of August, 1790, their chief, McGillivray, and his associates, signed a treaty with the Secretary of War.

In it the United States solemnly guaranteed to this tribe all their lands within the limits of the United States, to the westward and southward of the boundary designated in the said treaty. The peace which succeeded this negotiation was not long preserved. In June, 1796, another pacification was made, and tranquillity was restored once more to the frontier settlers of Georgia.

In June, 1802, this tribe ceded an extensive district of country to the United States. In November, 1805, they made another cession, and agreed that a way for the whites to travel over might be cut through their country. In 1812, they, on being advised of the war between this nation and Great Britain, became hostile, and entered into the contest on the side of the latter. The weakness of the Spanish provinces of East and West Florida opened the way for British emissaries to enter with impunity the ports of St. Augustine and Pensacola, to furnish supplies of arms and ammunition to the savages, and opportunities to incite and bribe them to become parties to the war.

The Indians, always fond of marauding and plundering, yielded to these seductions. After sustaining many defeats, and suffering immense loss, the Creeks sued for peace, and signed the treaty of 1814, by which they conveyed to the United States an immense tract of fertile country. In 1815, another portion of these lands was ceded, lying in the State of Georgia, and in 1821 an additional quantity was conveyed.

In 1826, this tribe sold all the lands which they held within the boundaries of Georgia, and reserved to themselves about five millions of acres lying in the State of Alabama and west of the Chattahoochee river. This remnant was ceded to the United States on the 24th of March, 1832, and has been divided into the counties of Benton, Talladega, Coosa, Tallapoosa, Randolph, Chambers, Macon, Russell, and Barbour.

It is probable that the followers of Oglethorpe, few in number, and with exceedingly limited means, crossed the Atlantic with no expectation that their coming would result either in the total extermination or entire removal of the Indians, first from the sea to the mountains, and then from the mountains to the western side of the Mississippi.



And yet it would now seem that it required no prophet, even at that day, to foretell that such must be the final issue of the establishment of strong and prosperous communities of white men at Newbern, Charleston, Savannah, and throughout the neighboring country.

The extensive region in the rear of the sea was fertile; the streams which penetrated it were navigable; the climate in many parts salubrious and favorable to the culture of the richest staples. The European emigrants to the southern Atlantic States were the heralds of religion, liberty, and established law. They brought with them the right of trial by jury; freedom of speech, of the press, and of conscience; the agricultural and mechanical arts; and a considerable share of the suavity and elegancies of refined life.

Against the advances of such a population, which at length was rapidly augmented in numbers, by natural increase and other means, the Creeks saw that they would be unable to make any effectual resistance, unless it were made whilst *they* were strong and their enemies weak. Indignant at the encroachments upon the territory which they claimed and held, they resisted whenever they felt able to do so, and glutted their vengeance at every favorable opportunity.

The attention of the Congress of the confederation was directed at an early day to the condition of the Indians generally. In the celebrated ordinance of that body, of 1787, it was declared "that the utmost good faith should always be observed towards the Indians; that their lands and property should never be taken from them without their consent; that in their property, rights, and liberty, they never should be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity should from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them." But by the treaty of the Indian Spring of 1826, all the country which remained to the Creeks lay within the boundaries of Alabama, and the care of the tribe was in a great degree committed to her. Shortly after she was admitted into the Union, her Legislature enacted "that the civil and criminal jurisdiction of the State should be extended over so much of the Creek territory as was described in the preceding section of the law: provided that nothing in the act should be so construed *as to give any Creek or other Indian any political or civil rights* other than those of protection under the laws of the State, and that they should not be required to perform any public duties or pay any taxes." The jurisdiction of the orphans' courts was extended over some of the counties of the territory of the Creeks as early as 1830.

In the same year it was directed that an accurate census of the Indian population in Alabama should be taken by persons appointed for that purpose; but the Creeks were exempted from taxation and militia duty.

On the 16th of January, 1832, the civil and criminal jurisdiction of Alabama was extended over all the Indian territory within her limits. The courts of revenue and roads were enjoined to establish such highways, bridges, and ferries, within the territory in which the Indians might live, as they should think the public good required. The warriors, however, were excused from the duty of mustering, from working on roads, or serving as jurors, or payment of taxes.

The white settlers in the Indian country were to be governed by the same laws as white persons in other parts of the State.

All laws and customs used, enjoyed, and practised by the Creeks within the limits of the State, contrary to her constitution and laws, were abolished.

And it was further enacted that if the Indians should meet in council, and make any law for the tribe contrary to the laws and constitution of Alabama, such Indians should, upon conviction, be imprisoned in the common jail of the county. But the Indians were permitted to meet, by an act of the Legislature, any commissioner of the United States in council; and if any person dissuaded them from so doing, they were liable to be imprisoned. Contracts by white men for Indian improvements were made valid and binding.

These laws excited the animosity of all the Indians, but more especially that of the chiefs. They destroyed their oligarchical form of government, and struck down *their* power at a blow. They and their people were disfranchised; their peculiar usages and customs were abolished; they were stripped of their consequence, for they could no longer meet in council. Roads were to be cut in every direction through their territory; white men were permitted to purchase and take possession of their improvements; the integrity of the tribe as a distinct community was annihilated.

Men of philosophical views and humane feelings at a distance regarded these enactments as harsh, and even cruel, because they did not know the real condition of these savages, and could not forget that they had once been a proud, brave, and powerful people.

But paradoxical as it may seem, it is undoubtedly true, that each of these legislative provisions was an act of gracious mercy to those whom they appeared to be intended in the first instance despotically to oppress, and then finally to destroy.

Circumscribed as the Creeks were, within comparatively restricted limits; harassed by intruders often without principle; pressed upon by a heavy population on the side of the Chattahoochee on the east, and the Alabama river on the west, the collisions between them and the whites were perpetual, bitter, and oftentimes bloody. It is impossible to doubt that there lies in the hearts of a vast majority of the Creeks a lurking, festering, enduring, and treacherous malice towards the race against whom they have been struggling and warring for more than a century.

It is believed that one great cause of the late hostilities of the Creeks is to be found in this enmity, which every observer of the motives that prompt, and the feelings that guide, mankind, is able to detect in their bosoms, whenever they divulge their inner thoughts to those who can secure their confidence.

The passage by Alabama of the law of the 16th of January, 1832, placed the President of the United States in a position of great delicacy and difficulty. The faith of the nation was deeply pledged to the Indians, in the ordinance of 1787. Alabama, by her law, openly maintained her legislative rights, as a sovereign State of the confederacy. The provisions of that law were directly in opposition to many of the provisions of the intercourse acts passed by Congress, in 1802 and 1807. Alabama declared that such roads should be cut out, such bridges erected, and ferries established in the Creek territory, as her officers might think needful.

The acts of Congress prohibited even the honest grantees of land, which had been long paid for, from raising a tomahawk to renew the ancient marks, or stretching a chain to survey and ascertain the lines of such lands lying in the Indian country, under heavy penalties. In this dilemma, the

President invited the Creek chiefs to visit Washington; which invitation was accepted.

To effect a treaty for the conveyance to the United States by the Creeks of the five millions of acres of land still left from the sixty millions which they had formerly claimed, had suddenly become an object of deep interest. But the owners could not be *forced* to sell; and if they did, the terms were at their option.

Guided by the patriotic views and wise maxims of the eminent statesmen of the country, the President resolved, if possible, to avert any painful collision between the Federal Government and that of Alabama, and therefore pressed a negotiation earnestly upon the Indians. Accordingly, the treaty of March, 1832, was signed and duly ratified.

The material articles of this instrument are as follows:

1st. The Creek tribe of Indians cede to the United States all their land lying east of the Mississippi river.

2d. The United States engage to survey the said land as soon as the same can be conveniently done; and when the same is surveyed, to allow ninety principal chiefs of the tribe one section, and every other head of a Creek family one half-section, each; which tracts shall be reserved from sale for their use, for the term of five years, unless sooner disposed of by them.

3d. Those tracts may be conveyed by the persons selecting the same, to any other persons, for a fair consideration, in such manner as the President may direct. The contract shall be certified by some person appointed for that purpose by the President, but shall not be valid till the President approves the same.

4th. At the end of five years all the Creeks entitled to these selections, and desirous of remaining, shall receive patents therefor in fee simple from the United States.

13th. The United States are desirous that the Creeks should remove to the country west of the Mississippi, and join their countrymen there, &c.: *Provided, however,* That this article shall not be construed so as to *compel* any Creek Indian to emigrate, but they shall be free to go, or stay, as they please.

The allotment in this 2d article, of half a section of land to each head of a Creek family, was an inherent vice in this treaty, but it was unavoidable. The chiefs who signed it, recollected that the sale made by McIntosh in 1826 had cost that leader his life.

It was this allotment that reconciled the nation. They were fed by the delusive hope that they could settle on their reserves, and cultivate and hold them for their own separate use like the whites.

Immediately after the ratification of this treaty, the President directed that the newly acquired territory should be surveyed, and the reserves located; the whole number of reserves was 6,696. Certifying agents were appointed, and the regulations hereto annexed, marked A, were adopted.

To these was added, for the protection of the Indians against circumvention and fraud, an oath, a copy of which is appended, marked B.

The duties assigned to these agents were both difficult and embarrassing. They were wholly ignorant of the barbarous dialect of those with whom they were brought in contact. They were compelled to rely upon interpreters, generally negroes, or half-breeds, who were wholly destitute of all moral principle, and who, for small gratuities, were induced to abet the

schemes of those whose designs were fraudulent. They knew scarcely one of these Indian reserves *personally*.

The first sales of the reserves were made about January, 1834. Immediately thereafter the purchasers commenced a partial system of swindling upon the Indians. As early as the 12th of March following, one of the certifying agents, R. W. McHenry, admitted this fact in a letter addressed to the Commissioner of Indian Affairs. The money paid to the Indians was taken away from them, after they had acknowledged a sale, either by fraud or force. In some cases, in which they were unwilling to return what they had received, they were whipped into acquiescence. In others, they were paid in bank notes—a kind of currency for which they feel great contempt, and which they surrendered for a small amount of specie.

The practice of "personation" was not unusual. Indians were bribed to appear before the agents and declare that they were the owners of reserves belonging to others, and they were permitted to acknowledge contracts for the sale of the same.

Although many frauds were perpetrated throughout the year 1834, of the existence of which the agents were apprized, still it was difficult to detect and defeat them. Those who were engaged in plundering these unlettered savages were emboldened by success, and early in 1835 a plan was concocted to sweep off from them all the reserves that remained uncertified, amounting to more than fifteen hundred. In the letter of the late Eli S. Shorter, a copy whereof is hereto annexed, marked C, this purpose is darkly hinted at. In another letter from the same individual, annexed hereto, marked D, his intentions are openly avowed. In it he pours forth his grief and distraction of mind at the signal success of the "Columbus Land Company," in their accomplishment of their work of cruelty and crime.

He urges his subalterns to accelerated speed; charges them to encamp their Indians out of sight of the road; directs them to be sure to bring two old Indian women with them to the scene of action; and announces the appalling fact, that their rivals had at least four hundred Indians encamped round the hill near the office of the certifying agent.

At the same time a letter, on the same subject, was written by one Benjamin P. Tarver to M. A. Craven's, a copy of which is hereto annexed, marked E; on the 25th of March, 1835, one Elijah Corley addressed a letter to Scott and Cravens, a copy whereof is hereto annexed, marked F.

It will be perceived; that in the oath, a copy of which is annexed, the following words are employed: "And he, deponent, believes that the Indian who has been introduced before the agent is the true holder of the location described in the foregoing deed." Subsequently to 1834, in many instances these material words were omitted, and another form introduced, a copy of which is hereto annexed, marked G. Conclusive evidence of the boldness with which these frauds were perpetrated may be found in the statements of Jesse H. Garrett, Col. John B. Hogan, and Milton S. Booth, copies whereof are hereunto appended, marked H, I, and K.

It is too true to be questioned, that the Creeks were often treated with a degree of harshness amounting to cruelty, by unprincipled white men who had settled amongst them. The feelings that were entertained towards them are shown in the communications, copies of which are annexed, marked L, M, N, and O.

Complaints having been made to the chiefs Ne-ah-mico, Tucka-batchee

Fixico, and others, of the frauds committed on their people, they on the 25th of August, 1835, addressed a letter to the President, a copy of which is hereto appended, marked P. It will be seen that this communication is attested by two half-breeds, Benjamin Marshall and Paddy Carr, who had acted as interpreters to General Sandford whilst he was certifying, and one of whom (Carr) reads and writes the English language. By their attestation they sanctioned the charges which it contained. It became material, after a while, to those who were stained with the guilt of these transactions, to induce these half-breeds to break the force of the inferences that might be drawn from the fact of this attestation.

These men, Marshall and Carr, had become, like the white men, infected with the prevailing spirit of speculation and swindling, and were likewise engaged in plundering their red brothers.

On the 17th of October, 1835, Paddy Carr addresses himself to Governor Cass, a copy of which is hereunto annexed, marked Q.

The next day Eli S. Shorter, Shorter & Scott, Shorter, Tarver & Co., John D. Howell, and divers others, with Daniel McDougald, by his attorney John Peabody, made an elaborate communication to the head of the War Department, a copy of which is hereunto appended, marked R, and it is signed by Paddy Carr, as one of the firm of Blake & Carr. But Mr. Shorter was not satisfied with the disclaimers of the deluded and ductile half-breed Paddy Carr; notwithstanding he and Mr. Tarver, and others, had expressed the most profound horror at the falsity of Indian testimony.

The chiefs Ne-ah-mico, Tacka-batchee-Fixico, &c., were set upon on the 16th of November, 1835, and induced to sign a paper in which they were made to declare "that they knew of no frauds themselves; that they had heard of none from their people, only as they had been prompted to make them by interested white men." This paper is attested by William Rives, Samuel R. Allston, Luther Blake, and this same Paddy Carr: for a copy thereof, see S.

Although Carr had pledged his *word and honor* to all that was detailed in his statement of the 17th of October, it seems that the cause in which he was enlisted might be aided by his oath and that of Marshall, notwithstanding they were Indians.

Accordingly we find Mr. Shorter, on the 23d of November, 1835, acting for himself and other purchasers, dragging Paddy Carr before one of the highest judicial functionaries of Georgia, and causing him to be sworn to statements about the reserves, that, if true, swept away every suspicion of swindling.

The same course was pursued with regard to Benjamin Marshall, and he deposed that he did not know of a single case in which the wrong Indian was substituted for the true owner of the reserve.

Copies of these depositions are hereunto annexed, marked T and U.

It will be perceived from the evidence adduced, that early in 1834 some frauds were practised upon the Creeks in the purchase of their reserves. That their occurrence excited dissatisfaction and ill-temper, was most natural. It is obvious, also, that these frauds were multiplied as the time approached when it was generally believed that the Indians must emigrate. The personal wrongs thus inflicted upon these savages, with regard to their individual property, filled them with indignation, and added strength as well as activity to their hostile feelings, which the melancholy events of other times had planted in their bosoms.

A very considerable number of the reserves had been allotted to *female*



heads of families, and many of them were "stolen." Some of this class spoke our language, and uttered their complaints with the greater freedom because they could do so with impunity. They were active and clamorous, and appealed for redress to their chiefs, as well as to the agents of the United States, with persevering importunity. It is alleged, and no doubt truly, that when the Indians were told that their reserves were "stolen," they were unable to comprehend the idea which the use of this term was intended to convey. They avowed that if this were true, they would take their revenge. Some of them, who knew where their reserves lay, mounted their ponies and rode off to see whether they were gone. When they returned, they declared that what been told them was false; that their great father, the President, had given them their lands, and would see that justice was done them.

The talk of Opoth-le-yo-holo, at once full of dignity, beauty, and eloquence, a copy whereof is appended, marked V, is a condensed but faithful narrative of truths which are not questioned by any candid and liberal man either in Georgia or Alabama. If the Indians had been honestly dealt by in the sale and purchase of their reserves, there are the best reasons for believing that they would have gone off to Arkansas peaceably in the spring of 1835.

Persuasive means only could be employed to induce them to emigrate. The mode adopted was to secure the consent of some, and then, through them, to operate upon the will of others. But, unfortunately, the Creek country contained more than seventy towns, each inhabited by from two to four hundred persons. If some in each town had sold fairly, and received the consideration due, and others in the same town had been defrauded, the first class would not, and could not, abandon the unfortunate, for they were generally their relations or friends. In this way these "personations" acted with the most fatal effect upon all the benevolent plans of the Executive, to attain this great object.

It would seem, then, that another leading *cause* of the late hostilities of the Creeks is to be found in the multiplied frauds which had been perpetrated upon them by individual white men who had continued to cheat them out of their property.

The avidity with which the Creek Indian reservations were sought for was so great, that many conditional contracts for their purchase were made before the locations were completed. As soon as the certifying agents opened their offices, there were crowds of "land-buyers" in attendance.

Those who desired not merely to speculate, but to settle in the country, sought for locations on which some improvements had been made, and were willing to pay higher prices for these than for wild lands.

The cleared lands which had been badly cultivated in former years by the Indian women, now belonged to the new comers; and thus the means of subsistence of the tribe were lessened. But there were some men who wholly disregarded the rights of the Indians, who intruded upon, and drove them from their cabins by force, or seduced them to surrender them by artifice or falsehoods. Loud complaints of these evils were made to the President. A military officer was ordered to remove these intruders; in the performance of which duty, a white man was unfortunately killed. This event caused much excitement in the part of the country where it occurred.

The Legislature of Alabama thought proper to act upon this subject, and passed the law, a copy whereof is hereto annexed, as well as of the letter

of Governor Gayle accompanying the transmission of the same, marked W. As it thus appeared that the State of Alabama desired to rely upon her own enactments for the protection of the Indians, the President acquiesced.

As the means of subsistence derived from the cleared Indian lands were lessened, the Indians were constrained to place greater reliance upon the game of the forest. But this resource failed to a great degree. They dared not hunt upon the Georgia side of the Chattahoochee. Their own country was already crowded with white settlers, who were as eager and skillful in the chase as themselves. They either killed up the deer, or frightened them off to inaccessible swamps and morasses. Under these calamitous circumstances, many of the Creeks wandered off in small parties, and committed aggressions upon the property of the white settlers. Some attempted to domiciliate themselves amongst the neighboring Cherokees.

The letter of Governor Lumpkin, marked X, of February, 1834, throws much light upon this part of our inquiry. It is abundantly proved that early in that year many of the Creeks were in a state of suffering from the want of food. It would have been impolitic in the General Government to have relieved them, because this course would have deterred them from enrolling for emigration.

Towards the close of this year, and in the beginning of 1835, the condition of the Creeks became deplorable. Corn and meat were exceedingly scarce. The white people who had moved in, and who possessed means, purchased at enormous prices all the provisions that were to be sold. It is said, and no doubt truly, that the Indians often stripped off the inner bark of trees, and, after boiling it in water, drank this decoction as a substitute for food. The women and their children asked permission to glean up the small potatoes which were left after removing the main crop, and regarded this permission as an inestimable favor.

All these views are confirmed by the letters of their excellencies Governors Schley and Clay, hereto annexed, marked Y and Z:

The fish in the streams afforded these sufferers a temporary and precarious relief, but they had no bread to eat with them.

The charity among the whites (and there were many such) could afford only partial assistance. Oftentimes their judgments, counselled them to withhold that which their humanity prompted them to grant, because they were convinced that this country could no longer be the resting-place of this unfortunate people. In the words of the chieftain Opoth-le-yo-holo, "his people were in much confusion and trouble."

The experience of all time attests that there is no condition of human suffering in which the mind reaches such a high pitch of desperation, or in which the selfish feeling rises to so great a degree of intensity, as that of starvation.

It does not admit of any doubt, that when the Creeks commenced their late depredations, many of them were in this condition, and which was one of the *causes* of their hostilities.

Those who had entered deliberately into the conspiracy to cheat the reserves, employed a class of persons vulgarly called "strikers," who openly set at defiance all regard for morality and decency. They were ordered to rendezvous in the nation, and to make their reports regularly at headquarters. Their business was to "steal" land. They adopted just such a course of conduct as would, in their judgments, achieve the greatest success in their vocation.

In order to secure what was called the "good-will" of the reservees, they selected wives from among the comeliest of the young squaws. They professed to have settled themselves permanently in the Creek country. This good-will was much to be desired, on the score that the Indians were governed more in their conduct by blind attachment to particular individuals, than by their perception of the right or the wrong of any matter submitted to their consideration.

It was important to get back, on false pretexts, the money which they had received in the presence of the agents; and it was equally material to secure the personal attendance of large numbers of the Indians, to accomplish the work of "personation."

If it were necessary, these unfortunate people were made drunk; and then, if necessary, they were starved into sobriety.

As long as there were any reserves for sale, the "strikers" earnestly dissuaded the Indians from enrolling themselves for emigration. In former years, the anxious efforts of the President, as well as of the leading citizens of Alabama, to induce the Indians to treat, had been baffled by the false statements and interested counsel of profligate white men. The Legislature of Alabama had been compelled to enact "that if any person dissuaded the Indians from meeting a commissioner of the United States, he should be liable to be indicted, and, on conviction, should be imprisoned for three months."

There came, upon the heels of these "strikers," a crowd of persons having goods to sell, carefully selected and well calculated to captivate the rude fancies of the warriors and squaws.

Whiskey was the charm that was frequently employed to attract the Indians to these establishments. When there, they became intoxicated, often fought, and sometimes killed one another. Sometimes the men and women, equally drunk, lay promiscuously on the ground through the night.

But there was another class of persons who, throughout the years 1834 and 1835, infested the "nation," inferior in wealth and "dignity" to these "store-keepers." They were the shop-keepers who sold only whiskey and tobacco. The Indians gathered around these haunts of vice, and often remained in and about them for days. If those who were there possessed any property, they were credited, and soon warranted. The white man was permitted to swear to his account, and the testimony of an Indian could not be admitted to contradict any facts that might be alleged. Judgments were rendered, and the property of the defendants taken by the constables, some of whom had as little principle and humanity as their employers. This universal profligacy and debauchery produced, in the Indians, ill temper and bad feelings towards the whites, and a recklessness which constituted another prominent cause of the hostilities of the Creeks.

The Creek Indians, before their removal, had realized but very few of those advantages which are sometimes secured by the contiguity of a savage to a civilized and intellectual community. Their women had acquired some knowledge of spinning, weaving, and sewing. In their dress they displayed some taste. Generally, the men had put up cabins, which were warm in winter; but the tribe possessed no distinct perception of the value of comfort in their domestic establishments. Their fields were imperfectly cleared, and their fences badly put up. Their mode of tillage was miserably defective, and the yield comparatively small. Nevertheless, these savages cherished a passionate attachment to the land where they were born, and

where their ancestors lay. This "love of country," when analyzed, is found not to lie in affection for the soil itself, but in a vivid recollection of all those endearing associations with which mankind become familiar in their advance from youth and manhood, and from manhood to old age.

The Creeks regarded their eternal separation from the country of their nativity with a kind of superstitious horror. Whenever the news reached any portion of them that any agent had arrived to enrol them, it was taken, with the utmost speed, to all the towns, by runners despatched for that purpose, and excited universal alarm.

During the years 1834 and 1835, the number of suicides committed by these people was enormously large. The warriors went into the woods, and hanged themselves with grape-vines; and when, at last, they did remove, some of the women erected piles of light wood over the remains of their relatives and friends, and burnt them in honor of their memories. Others cut down the fruit trees that grew over the graves of their children, declaring that the white man should not enjoy any benefits from them.

Although the President forwarned this people, with paternal anxiety and tenderness, that, unless they determined to emigrate, they must, from the influence of causes which no human power was able to control, soon cease to exist as a tribe or nation, yet their repugnance to the measure could not be entirely overcome. This aversion to a removal, beyond all doubt, was one of the most powerful *causes* of the late hostilities of the Creeks.

Those who have been appointed by the President, under the authority communicated by the resolution of the House of Representatives of the Congress of the United States, on the 1st of July last, have been earnestly engaged in investigating the frauds to which reference has been made in the foregoing part of this report. They have already restored a considerable number of reserves to the true owners. They believe that in a very short time they will be able to reach and overturn a vast majority of the frauds that have been perpetrated upon these reservees, and upon the clearest evidence, as well as the soundest principles of the law.

ALFRED BALCH.

January 14, 1837.

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*Extract of a letter from Colonel John B. Hogan, dated Mobile, December 28th, 1836, to Messrs. Crawford & Balch, commissioners to investigate frauds, &c.*

There is, also, one fact more which is alluded to by Opothleyoholo, viz: that a white man read some papers to the Indians at their houses, which papers were said to have come from across the big water; that he did not understand it; but no Indian could make such papers: and, about that time, a silversmith, who formerly resided in Columbus, Georgia, being arrested and put in jail at Montgomery for instigating the Indians to make war on the whites, it occurred to me that this fellow was the man alluded to by Opothleyoholo. I accordingly went to the jail, in company with Colonel Acklin and Major Reid, of Huntsville, and questioned this man concerning the papers he had read to the Indians: he admitted he had read papers to them, and said he had explained them as far as his knowledge of the Creek tongue would enable him to do. I asked him what sort of papers were those he had read to the Indians? He said they were printed proclamations

issued by Sir George Cockburn twenty years ago, while Sir George commanded the British fleet off Pensacola; that these proclamations were issued to incite the Indians to make war on the whites; that they promised a large force to help the Indians in the spring. I asked him how many of these papers were issued among the Indians? He said he had seen several. I then asked him the name of the Indians who had those papers, and at whose house he had read them? He replied, that he was now in prison on a charge that might take his life, and he must be excused from answering that question. I interrogated him further as to his birth, and his having stated himself to be a son of the old Prophet Francis: he said he was born in London, and was the son of Francis; that his mother had told him so, and he had no reason to believe otherwise. To other questions as to who employed him to go among the Indians and read these old proclamations, &c., he did not answer me satisfactorily.

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A.

*Regulations for certifying contracts under the Creek treaty of March 24, 1832.*

1st. All applications for certifying contracts under the above treaty; in order to procure the assent of the President to the conveyance, shall be made in writing, and shall be accompanied with the written contract itself.

2d. If the payments are all made to the satisfaction of the Indian, and the facts clearly established in the opinion of the approving agent, then an absolute deed from the Indian to the white person may be certified.

3d. But if the payments are not all made at the time of the parties appearing before the approving agent, then the contract must distinctly state the time and modes of payment, and the amount actually received.

4th. As a general rule, no contract will be approved, unless a consideration equal at least to one dollar and twenty-five cents per acre is paid or secured to the owner.

5th. In all cases the agent will make such inquiry as may be in his power into the actual value of the tract; and if he believes that such value is not paid or secured, he will not certify the contract.

6th. As from representations recently received from one of the commissioners appointed to make the locations, it appears that many of the tracts are not so valuable as has been heretofore supposed, nor probably worth the minimum price fixed for the public lands, the President does not think it just that that sum should be actually paid in every case. When, therefore, a less sum is agreed upon between the parties, the approving agent will endeavor to ascertain the actual value of the tract; and if he believes the amount agreed upon is a fair price, he will so certify, and his certificate will also contain a general description of the tract, agreeably to the best information he procures. In all cases arising under this section, the circumstances will be particularly examined by the President, whose decision will be made as may appear to be just.

7th. The agent shall, in every case, where it is practicable, have an interview with the Indian, explain to him the transaction, and ascertain whether he understands and approves it on a full consideration of the matter.

8th. When, however, the Indian cannot appear before the approving



agent, in such a case the clearest proof must be adduced of the nature of the transaction; and the return must show this proof, and must also state why the Indian was not present.

9th. No patent will be granted until the whole payments are completed.

10th. Copies of the contracts, to be furnished by the parties themselves, will be retained by the approving agent, and the originals will be transmitted to this department for the consideration of the President.

11th. The approval of the agent will, in no case, be final, nor will the title of the grantee be valid, until the President approves the same. Possession may, however, be taken of the tract as soon as the agent certifies the contract, but in such case the party will be liable to removal if the President should decline to approve the same.

12th. A contract for any tract may be certified as soon as a proper locating agent shall assign it to an individual Indian; still, however, it is to be observed, that if the President should not confirm such location, the whole proceeding in relation to it will be void.

13th. The ceded territory must be so divided by the approving agents among themselves, that each may be confined in his operations within a given district; so that applications rejected by one agent may not be acted upon by another.

14th. The following is prescribed as the general form of the certificate, subject to such variations as circumstances may require:

"I certify that I have examined the contract between A B, a Creek Indian, and C D, for the conveyance to the latter (here describe the tract, agreeably to its designation on the plat of the township;) that the said A B has appeared before me, and, after the transaction was fully explained to him, he approved the same. The sums stated to have been received by him were paid in my presence, (or were distinctly acknowledged by him, or were clearly proved to have been received, as the case may be.) I consider the price given the full value of the land, and certify the contract for the consideration of the President of the United States." Where the Indian is prevented by proper circumstances from appearing, then the certificate will be varied so as to show those circumstances, and the nature of the proof by which the payments are established.

Where the price agreed upon is less than \$1 25 per acre, the agent will add to his certificate a statement that "the land is proved, to my satisfaction, to be of an inferior quality, (being sandy or marshy, or containing so many acres only which can be cultivated, or specifying any other facts which may have come to his knowledge showing its quality,) and that I consider it worth only (here insert the sum.)"

LEWIS CASS.

WAR DEPARTMENT, November 28, 1833.

Approved: November 28, 1833.

ANDREW JACKSON.

*Supplementary regulations, in addition to those approved by the President November 28, 1833, for certifying contracts under the Creeks' treaty of March 24, 1832.*

In consequence of a representation from one of the certifying agents, that a construction would be put upon the above regulations which would in-

evitably lead to the committing great frauds upon the Indians, in consequence of the facility of imposing on them, and the ease with which declarations or acknowledgments may be procured, the President is desirous of guarding against such a result, as far as in his power, and of securing to every Indian the receipt of a just consideration for his property.

The following additional and explanatory regulations are therefore adopted:

1. The payments required by the 2d article of the above regulations must be made in the presence of the approving agent, except in the very few cases where the Indian may be prevented by illness or inability from appearing before the agent. But such cases must be proved by the most unexceptionable evidence, as well as the payments made under them; and the circumstances must be distinctly stated for the consideration of the President.

2. The contract described in the 2d article of the above regulations must be entered into subsequent to the location of the reservation.

3. The form, in the 14th article, will be so varied as to omit the words "or were distinctly acknowledged by him, or were clearly proved to have been received, as the case may be," except in the cases described in the 1st article of these supplementary regulations, where the Indians are prevented by disability from personal attendance.

LEWIS CASS.

WAR DEPARTMENT, *December 18, 1833.*

Approved, December 18, 1833.

ANDREW JACKSON.

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B.

Personally appeared before me, \_\_\_\_\_, a judge of the county of \_\_\_\_\_, of the State of Alabama, the said \_\_\_\_\_, being the purchaser within named, and being duly sworn, depose and saith, that the amount of \_\_\_\_\_ dollars, being the consideration money for the said tract of land, is correct as stated in the within contract; and that the amount of \_\_\_\_\_ dollars, acknowledged to have been received by the said \_\_\_\_\_, was actually paid by him, as stated in the within contract. And the deponent saith further, that he believes the Indian who has been introduced before the agent is the true holder of the location described in the foregoing deed.

Signed, acknowledged, and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1834.

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C.

COLUMBUS, *January 28, 1835.*

GENTLEMEN: It becomes my duty to apprise you of a new movement, in regard to our Indian relations, which deeply affects our interests and operations. General Sandford has stated, that on the 1st of March, himself and McHenry will cease certifying, and, I presume, Judge Tarrant will do the same. This is the *Government order*. Why it is so, or what is the object, none of us know. But one thing is certain, that every Indian in the eastern, and, I have no doubt, also in the western part of the nation, who does not sell in the next month, will lose the chance of selling alto-

gether, and, by some manœuvre, their lands will become Government property. It will be remembered that, at the last Indian council at Fish Pond, the Government caused a proposition to be made to Ho-poeith-loyoholo to purchase the unsold reservations: that he replied, it was more than he dared, at that time, to do; but that if the Government would wait till his return from the west, in the spring, he would answer the application. It will be remembered, also, that a delegation of the Cherokees attended the above meeting, and urged upon the chiefs of the Creek nation the propriety of raising a large joint national fund for their mutual use in the west. Let it also not be forgotten that Ho-poeith-loyoholo is now at the west, and expected back the 1st of March, and that a delegation of Cherokees is now at Washington. When all these particulars are put together, you will see that the private Indians, who are so foolish as to refuse selling, are in a fair way to have their lands applied to the raising of a national fund, in which they will have now *individual benefits*. Whether the Government can treat for the unsold lands or not, or whether they can or will purchase the reservations from a few chiefs, is not material; for if the certification is stopped, neither they can *sell*, nor we *purchase*. Now I pray you not to treat this lightly, for I have hastened Mr. Tarver off, the morning after getting the news, that you may be put on your guard, and make the most of the time left you. It is important that you press this subject immediately upon the attention of Smith, and the Griersons, so that they understand it, and let them spread it among the Indians. They have but one moon in which to save their lands. Better by far had they had their lands certified without receiving a dollar, and leaving it open to an arrangement with us to be paid hereafter, when they are willing to sell, than thus to be cheated out of their rights. To Dr. Scott I urge that he give up the beautiful Miss Jenny for the present; that he lay aside his poetry, come down from his stilts, and rouse up from his slothfulness, and spend one short month in unceasing energy and unwavering industry. To the Messrs. Craven, I say, that they will swear off from the society of ladies for one month, and make every *day* and *hour* of it tell profitably upon our business. And upon *you all* I urge an immediate close of every contract upon which advances have been made, and the making of no more advances; for all contracts made, and not closed, will be dead losses. After this is done, the great struggle should be for the *most valuable* lands. Every man should now be at his post. Is there *no chance* to make an impression on those valuable lands in Tuckabatchee—say Little Doctor's, Yargo's, Madblue's & Co.? If I were now with you, I would spend the month, and show you how much labor I could perform.

Yours, respectfully, &c.,

ELI S. SHORTER.

To Dr. JOHN S. SCOTT, and  
Messrs. M. M. & N. H. CRAVEN,  
*Fish Pond, Alabama.*

D.

COLUMBUS, *March 1, 1835.*

GENTLEMEN: I have just returned from Dr. McHenry's; when there, Yargo sold and certified his land to Dr. Billingslea for \$6,000, and then

gave back \$3,000 of the money, and took a bond for the occupancy of the land west of the river. I left at the agency Hayden and his son, General Woodward, Stone, McBryde, Collins, the whole Columbus company, and a host of others, with, I firmly believe, four hundred Indians hid out all around the hill. Certifications commenced late yesterday morning, and about sixty were taken through. The agent will be at home certifying the whole of next week, and, in that time, most if not all of the land will be swept that is worth a notice. I have the agent's promise to meet us at any place of our appointment on the Monday afterwards; and to obtain this, I have had to interest another man in our company, so far as it regards McHenry's district, and to give him one-eighth part. It is unnecessary to mention names; the thing was necessary, and was therefore done.

Now, if we are to do any thing, you must *instantly*, upon reading this letter, lay all other business aside, and gather up as many Indians who can be depended on as possible, and Corley or Craven, with one of the Griersons, must come on with them towards the agency in Chambers. The other, with the other Grierson, must remain behind, and collect and come on with another company. When you get within from 5 to 10 miles of the agency, stop where you can get water and provisions, and send a messenger to us at the agency, to let us know where you are, and we will meet you Monday morning with the agent, and proceed to business. Your messenger must reach us on *Sunday* night. Camp your Indians *out of sight of the road*. You need give yourself no trouble about the *value* of the land; I will arrange all that. *Stealing* is the order of the day; and out of the host of Indians at the agency, I don't think there were ten *true* holders of land. When I left, there were not more than 80 reservations left in all Tuckabatchee; they will go to-morrow; then will follow Thlobthlocco, then Kialige, then Oak-tar-sar-say, then Eufaula; and, in two weeks, the whole host of Philistines will be in your quarter; and, rely upon it, they will carry all before them.

Now Scott may wrap himself in his Indian blanket, and say all this is impossible; but *I* say it is not only possible, but *certain*. When I see such men, with so few advantages, getting so much valuable land at \$10 per tract, and how much money *we* have paid out, the *power* we have had, and see the *quantity* and *quality* of land we have received, and particularly when I think of the *reason* why these things are so, I can almost tear my hair from my head. There is yet time to do something, but I almost despair of its being done. If Scott's Indian wife was at the devil, I should have some hope.

We shall go into the strife and do what we can. If you will join us—well; if not—well. We have plenty of money. You need not come unless you will drill your Indians, and prepare them to receive ten dollars *in the store* for every contract certified. Be sure to bring *two old women*, and, if you possibly can, be sure and bring Tallan-har, an old woman of Thlobthlocco town, who is the mother or mother-in-law of John Rud, an interpreter, who was killed last year.

The whole show will be up in four weeks from this time, and all the Indians who do not sell will lose their lands. This system has not been working more than three weeks, and upwards of 1,000 tracts have been certified. The stream is getting wider, deeper, and stronger every day. If things are to be radically altered *as to money* at Tallapoosa, I will furnish funds in *paper money* to certify the balance; if not, the Indians may

be disbanded, and we will quit the drive, for I will stand the past pull no longer; and if Dr. Scott adopts the rule of settlement at the *certified prices*, it must be a good rule, and shall apply to *all cases*.

Respectfully, &c.,

ELI S. SHORTER.

To MESSRS. JOHN S. SCOTT, E. CORLEY,  
M. M. & N. H. CRAVEN, *Tallapoosa*.

E.

COLUMBUS, *March 1, 1835.*

SIR: Mr. Corley gave me time to be there to close the trade with him until I could get out, or until they commence certifying. As my business in court is not settled, I am unable to say when I shall be there; and if you have not closed the trade with Mr. Corley, you will do it for me, if you are not disposed to go into it; but I prefer your connexion in the matter. There is nothing going on at this time but stealing of land with about fifty Indians. Pay them \$10, or \$5 when certified, and get all the balance back, and get 400 or 500 hundred contracts certified with 50 Indians, is all the game. Judge Shorter has just returned from Dr. McHenry's: he states the different speculators have about 500 Indians hid out and certifying at night. Yargo is certified to; without a rush, we are gone.

BENJAMIN P. TARVER.

James S. Moore was married on to-night. The judge thinks that the largest proportion, if not all the land that is before Dr. McHenry's, will be certified on this week. Now is the time, or never! *Hurrah boys! here goes it!* let's steal all we can. I shall go for it, or get no lands! Now or never!

BENJAMIN P. TARVER.

MR. M. A. CRAVEN.

F.

COLUMBUS, *March 25, 1835.*

GENTLEMEN: I intended to have started to the store in Tallapoosa to-day; but Judge Shorter thinks it best for me to stay and attend McHenry's office next week. I want you, so soon as you get this letter, to start Bailey and Wat Grierson over with as many Indians as they can start. I want them to, be at the office with the Indians, next Monday, if they can; and as to the balance of you, you must be up and doing; for I can assure you what we don't do before Tarrant, the next week of certifying, will not be done by us; for just as soon as they finish on this side of the Tallapoosa, every speculator will be over there. They intend first to try to get a part of that district cut off to McHenry; and, if they fail in that, they will take their Indians and go on; for those lands are what they are after, and they will have them. They have rogued it and whored it among the Indians, until I fully believe that, for the purpose of getting a piece of land,



they would swear before Almighty God that the Indians in Russell county were located in Coosa. I think it necessary that one of you go down to Hache Chubba, and Hickory Ground towns, and have the best of the lands valued, and ready for certifying, as that is the part of the country they intend stealing in. Gentlemen, don't lie on your oars with the belief that no man can do any thing with Indians in that part of the country; for they have Indians of their own, and they will fetch them with them. The harvest is nearly over, and perhaps there will never be another such a one. I therefore think it necessary for us to be up and doing while it lasts.

Yours, respectfully,  
ELIJAH CORLEY.

To SCOTT & CRAVENS,  
*Tallapoosa, Alabama.*

N. B. The Judge says he thinks it best to put off the settlement with the Indians on that side, until after the next week. There is plenty of money here ready, but we thought it best not to send it until there are two or three in company. M. A. Cravens must be certain to come with Wat & Bailey. The Indians killed old ——— last night, but for what cause we have not found out.

Yours, &c.,  
E. CORLEY.

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G.

THE STATE OF ALABAMA, } ss.  
*Russell County,*

Personally appeared before me, a justice of the peace for the county of Russell, State of Alabama, the said the purchaser within-named, and being duly sworn, deposeth and saith, that the amount of dollars, being the consideration money for the said tract of land, is correct, as stated in the within contract, and that the amount of dollars acknowledged to have been received by the said was actually paid by him as stated in the within contract.

Signed, acknowledged, and sworn to before me this day of March, 1835.

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H.

DECEMBER 28, 1836.

1st. Did you reside in the neighborhood of the place where Dr. McHenry was certifying contracts for Creek Indian reserves in February and March, 1835?

2d. Who were their inducing Indians to appear before Dr. McHenry at that time? If you know, name them. Did they buy provisions from you to feed the Indians who were encamped near where Dr. McHenry then was?

3d. What declarations were made by those people about their stealing Indian reserves? State, if you please, the acknowledgments of these people about the frauds they had committed.

Answer to 1st interrogatory. I did, about the 25th day of February. I lived near Dr. McHenry's office, with a stock of goods, and commenced selling goods about the 1st March, 1835.

Answer to 2d interrogatory. I did sell provisions to a number of gentlemen, about the 10th of March, 1835, to wit, to E. Corley & Co., and McBryde & Co., and Mr. Stone, and Mr. Haden.

Answer to 3d interrogatory. In a conversation between myself and Messrs. E. Corley and Craven, they stated to me that they stole that week one hundred and eighty contracts.

JESSE H. GARRETT.

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I.

MOBILE CUSTOM-HOUSE,  
December 27, 1836.

STATE OF ALABAMA, }  
Mobile County, } ss.

Personally appeared before me, F. M. Alexander, a justice of the peace in and for Mobile county, John B. Hogan, who, upon being sworn, deposeth and saith: That he has been called on by Messrs. Williams and Phillips, attorneys at law, to state what he knows on the subject of a claim of a certain Enchee Indian to west half of six-fifteen-28, who stands on the roll of High Log town Enchee, by the name of Thlo-with-la. This deponent states that he was charged by the United States Government with the investigation of the alleged frauds in the sale of Creek reservations; that early in February last, he held a council at a place called the Big Spring, where all the Enchees met him, and where he heard their complaints; that among those who complained was an Indian named Thlo-with-la, who was identified as the owner of the W.  $\frac{1}{2}$  6-15-28, and whose identity was not questioned by any person present, but whose land stood marked on Sandford's books as sold to Fanning & Howell for \$400. Mr. John D. Howell was present. The Indian stated that he had never been before an agent for the purpose of selling his land, nor had he ever sold it. Upon inquiry among his chiefs and neighbors, they all testified to the same fact. I called on Mr. Howell, then present, to make a defence. He said he could not tell whether the land was his or not; that he had never bought the land, but that it was one of his partner's transactions; and Mr. Fanning, his partner, was dead. I told Mr. Howell I should mark it as a case to be reversed, and did so. Mr. Howell went out of the cabin where I was sitting, and took Thlo-with-la off with him; and after a while, came back and insisted that I should hear Thlo-with-la acknowledge that he had sold his land to him, Howell. I was much engaged at the time in hearing another case; but to get through with Mr. Howell, took up the case of Thlo-with-la again. Mr. Howell stated he had now bought the land of Thlo-with-la, and had paid him \$400 for it; and he only wished me to hear him acknowledge it before me. I then directed my interpreter to ask Thlo-with-la if he had sold to Mr. Howell. He replied that Mr. Howell

had pushed him so hard, he supposed he must let him have it. I asked him what he was to receive for his land, and whether he was satisfied with the same? He replied he had received \$20 in silver, and a paper for the balance, \$380. I asked him to let me see the paper, which he handed me, and which ran as follows: "I have purchased Thlo-with-la's land, W.  $\frac{1}{2}$  6-15-28, and he has my permission to live on it.—John D. Howell." I read the paper aloud, and asked Mr. Howell if he intended that paper to represent a debt of \$380, which he owed Thlo-with-la, and if such were his intentions, I would add the obligation to it. He said I might do so, and I accordingly did so. But Thlo-with-la then refused to receive it, saying as he had attempted to deceive him, he would not have it. I told Thlo-with-la, that if he refused to let Mr. Howell have the land, he should return him the \$20, which he indignantly threw on the table, and retired. Mr. Howell then took up the money, put it in his pocket, and also retired. I was not aware at the time that this piece of land had been returned by General Sandford as certified before him; but on my return to Fort Mitchell, I then examined the official record of unapproved contracts sent from the War Department, and found this case among them. The reason for examining that document occurred in this way: A Mr. Corner brought Thlo-with-la before me, after the transaction alluded to, for the purpose of having his land certified to him. On his arrival at Fort Mitchell, he came to my quarters, and so did Dr. A. J. Robinson, a land speculator of considerable notoriety; and Robinson began bidding over Corner for Thlo-with-la's land, and ran it up to \$1,800. I then stated that as that was a good price, if the land had not been stolen, I would certify to the sale, and Corner agreed to let Robinson take it. I immediately examined the list of unapproved lands, and found it on that list, and then told the parties I would do nothing with the case until the department reversed it. Mr. Howell came in my room a few moments after, and stated he should contend for the land, and would not give it up. I saw no more of Thlo-with-la until we reached Hacha Chubba with the army in June last, when Thlo-with-la, and twenty-one friendly Enchees, joined the Indians under my command. He remained with me until I discharged the friendly Indians, and was out on a scout with four others, when they met Scroggins and a party of Alabama volunteers, who fired on them, and killed all but Thlo-with-la, who came into my camp at Big Spring, with Scroggins and the party who killed his friends. I have no doubt whatever that Thlo-with-la was personated when his land was certified to; and that he never did sell, or receive any thing for his land, except such as was returned *in my presence*.

I have inserted the words, "that Mr. Howell took up the \$20, put it in his pocket, and retired also."

JOHN B. HOGAN,

*Late Supt. of Choctaw Emigration, and investigating agent.*

Sworn and subscribed by the said John B. Hogan, this 29th day of December, A. D. 1836, before the undersigned, justice of the peace in and for the county of Mobile, and State of Alabama.

F. M. ALEXANDER, J. P. M. C. S. A.

## K.

Milton S. Booth declares, that he has lived in Barbour county more than three years, and in Ufaula town; he is well acquainted with the Indians, their habits and modes of life. The treatment of the whites to the Indians was, in many instances, cruel; they often whipped them, and often considered that Indians had no rights.

Many frauds were committed on the Indian reservees. He recollects well one case, in which an Indian reservee was killed on Thursday evening, and, on the following Monday, his reservation was certified before General Sandford by "personation."

MILTON S. BOOTH.

JANUARY 9, 1837.

## L.

TUCKABATCHEE TOWN, *March 16, 1835.*

We, whose names are hereunto subscribed, being head chiefs of the Creek nation, humbly petition your intervention to stop fraud being practised upon our people. It has become notorious that we are daily having our lands stolen from us by designing white people.

The Indians living on the east side of the nation have long since disposed of their lands, and are now following the agents in our section of country, with a band of white speculators, claiming other Indian names, and having undisposed-of lands certified to. This course of conduct has been introduced about twenty days ago, and has succeeded in getting all unsold land, except such of the Indians as the agents are personally acquainted with. A number of our people have died since being located; all such cases are stolen by living Indians, by the influence of white men. We believe, without your interference, justice will not be had: we pledge ourselves that every statement here made can be established by disinterested white people. During the last ten days, we have no doubt that hundreds of Indian names have been stolen and certified to, when the right owners were at home, and knew nothing of such contracts.

We now humbly beg for an investigation to be had, and that the white people, making such purchases, be requested to produce the Indians before the agents, so that such Indians, having a just right, may have an opportunity of establishing their just claims. This course will bring round an opportunity of introducing correct proof. We find that such Indians as are stealing get but a small pittance in comparison to the fair value; for the lands are certified to any large prices, and the money immediately taken from them, telling the Indian that it is likely this contract will not be approved of. We sincerely petition you to adopt some plan whereby justice may be had. We will ever pray.

Your red brothers,

HOPOTHLOHOLO, his × mark.

YOUNG KING, his × mark.

TUSKENEAAH, his × mark.

LITTLE DOCTOR, his × mark.

FOSACHE MICO, his × mark.

LATTAH MICO, his × mark.

OLD KING, his × mark.

MICCO OBOY, his × mark.

To Hon. SECRETARY OF WAR.

M.

COOSA COUNTY, February, 1836.

KIND SIR: From what I can understand from the chief of this town, he wishes me to accompany him to Tuckabatchee, to inform you of the way and manner that he was treated by the sheriff of this county and the Messrs. Walls, which I would do, but circumstances will not admit of my leaving home at present; therefore, I will write you the circumstances as near as I can recollect. The time I disremember, but I think that it was about the 1st of January last. I had collected several of the Alabama Indians at Mr. Woodruff's store, to purchase their lands; we were all seated some forty or fifty yards from the storehouse, and Seakabeachy and some other Indian were off some distance from us, talking, when Mr. Coker and the Messrs. Walls rode up. Mr. Coker got down, went to where Seakabeachy was, and took him by the arm and led him up within a few paces of the storehouse. He then, as my lincester told me, called to him to come and talk for him, which I told him to do; I walked up with him. He then told the lincester to ask Mr. Coker if he owed any thing, and how much, for he was able to pay any that he owed. The reply from the sheriff, (Mr. Coker,) was, that it was no amount of money, but he had to go with him and stay till court. Seakabeachy then stepped rather back, and said that he was able to pay his debts, and would not go to jail. The sheriff then called to Albert Walls to fetch him a rope. I then stepped off to see if Mr. Woodruff was willing to go in with me as his security for his appearance at the next term, having learned that it was a bail writ. About that time, the sheriff struck him with a stick. I still continued my course. About the time that I got into the house, I heard the report of a pistol; I ran back to the sheriff, and the two Messrs. Walls were beating him with sticks; at length, they beat the old fellow down, and tied him, put him on a horse, carried him about a half mile to old Mr. Walls's store; staid there but a short time; they then, as I understood from the same party, carried him to Mr. Coker's house, and chained him, and kept him for several days. And it is said that he put seven hundred and fifty dollars in the Walls' hands, as his security for his appearance at court. That is all that I know about the circumstance. No more, but I am

Yours, with compliments of high respect,

JOHN MURCHISON.

Colonel HOGAN.

N.

STATE OF ALABAMA, COOSA COUNTY.

SIR: This is to inform you that, this day Lacheshoyo came to me about the midst of the afternoon, and says that Albert Walls took two hundred and forty-three dollars from him; took and tied him, and said that they would take him to Montgomery jail, if he did not give up his money. I was at home as Mr. Walls passed by, and Mr. Butts, and another man that was along, as the Indian says; and the Indian came up directly after they passed by. I have no doubt but they got the money. And I will be glad if you would write to me how you will proceed; and, if I can do you any good, I shall not stand back. Nothing more, but remaining yours, this 21st day of February, 1836.

J. B. MORRIS.

To Mr. HOPOTHYOHLO.



O.

TUCKABATCHEE, *February 14, 1836.*

DEAR FRIEND: I have been waiting in anxious expectation to see you for some time, but have been disappointed. Owing to the many complaints which are lodged with me daily, from the chiefs of the different towns of Judge Tarrant's district, compels me to address you a few lines in behalf of them, to inform you of the frauds which are practised on them daily in that district. You being the only friend at this time in whom we can confide, compels me thus to address you. The chiefs inform me that the white people have persuaded nearly all those people to sell their lands; and, after having had their lands certified to, and received their money, they have been made to give it up again by the very men who have bought their lands, either by force, or tales raised for the purpose. They have been told by these men that it was General Jackson's wish that they should not hold money, and that they had been sent as agents to receive their money, and hold it until they arrived in Arkansas; and, consequently, a great many of them have given up their money, thinking that whatever their great father said could not be otherwise than for their benefit; and whenever those tales would fail, it has been taken by force. It was their calculation to have emigrated last fall, and, consequently, they sold all their cattle, corn, and every thing necessary for a support, and are now left in a state of starvation; and it is their earnest request that you should come up amongst them, for it is highly necessary that something should be done immediately. You will please answer this as soon as you receive it, and inform me at what time you can go up; or whether you can go or not, in order that I can inform the chiefs when to expect you.

Your friend,

his  
HOPOITHLE + YOHOLO.  
mark.

JAMES L. ALEXANDER.

To Col. JOHN B. HOGAN,

*Fort Mitchell, Russell County, Alabama.*

P.

STATE OF ALABAMA, CREEK NATION,  
*August 25, 1835.*

To the PRESIDENT OF THE UNITED STATES:

DEAR SIR: The nation of which we are the chiefs have never found you wanting in disposition to do them justice, as far as you could, and they therefore appeal to you now with confidence. It has been made known to you before, that wrong had been done, and frauds committed, on many of our people by the whites, who have managed to get their land by hiring one Indian to assume the name of another. This has been done in obtaining a great portion of lands belonging to the Indians in the Cusseta, Ufala, Uchee, and other towns; which can be made to appear whenever those whose land has been stolen can have a chance to show it. We know that you sent our friend, General Sandford, to investigate these frauds, and have justice

done to those that had been wronged. He could do nothing because the Indians were afraid to go to Columbus, being alarmed at what was told them. When the agent, General Sandford, came to Columbus to attend this investigation, I, Ne-ah-mico, as head chief of the nation, called on him; when he informed me that he had returned to look into the frauds, and that I must let the Indians in his district know it. I accordingly informed the Indians, who, as soon as they got the information, a great many of them who had never sold their land came to my house, on their way to Columbus, to meet the agent. Whilst at my house, and at other places, they were told by the linguists that had been employed by the whites to purchase land, that all the agent and other persons wanted was to get them to Columbus in order to arrest some of them for old debts, and enrol and send the balance to Arkansas. This so alarmed the Indians, that none of them could be prevailed on to go before the agent. I then wrote to the agent to meet the Indians on the Alabama side of the river, where they would be free from the fears of arrest and enrolment; but he refused to meet them there—from what cause we do not know. Soon after this, he left for Washington city. Now, on his return from there, he states that nothing can or will be done further, and that he has written to you to approve all contracts. In addition to the above, we would state that many of the Indians whose land had been wrongfully taken from them, live a considerable distance down the river; and before the agent had returned to investigate their claims, and could get to Columbus, the agent had left there for Washington city. From all this you will see, although many of the Indians have been wronged and defrauded by the unjust conduct of some of the speculators, that they have had, as yet, no chance to be righted. The time is approaching when the Indians will have to emigrate, and many of them are now willing to go; but, as they have received nothing for their land, and feel that they may yet be righted by the President, they make this last appeal to his justice, and desire to remain until the frauds can be detected, and they have a chance to sell the land granted them by the treaty. For this purpose, they hope that the President will appoint an agent—one acquainted with the Indians, and in whom they can place confidence, with instructions to visit the chief towns, and other places in the nation, where they can meet him without fear, and prove before him the frauds that have been committed upon them. We know, of our own knowledge, that many have lost, or are likely to lose, their land; who never have sold, or pretended to sell; and it will be made plain if an agent can be sent among us as desired. There are many Indians, also, who have never yet sold their land, or had it taken fraudulently: these are desirous of selling, that they may make preparations to emigrate; but, as there is at this time no certifying agent, they have no chance to sell. We desire the President, therefore, to give the agent above requested (if he should be good enough to appoint one) full power to certify and sign contracts hereafter to be made. The Indians, as our friend well knows, are ignorant of their rights, and easily imposed upon. Many of the whites are unjust, and take advantage of their ignorance. In buying their lands, frauds have been committed which can be brought to light. We do, therefore, make this most earnest appeal to our great friend, the President, that, as far as he can, he grant us what we do not believe he can deny to the feeble and the injured. If he can do nothing for those of our nation who have been in-

jured, they must submit to it; but if he can, it will be an act of justice to the oppressed, and of punishment to those that have wronged them.

NE-AH MICO,	his + mark.
E-FAR-E-MUBLAR,	his + mark.
TUCKABACHIE FIXACO,	his + mark.
CAR-PIC-CHAR YO-HO,	his + mark.
NE-HAR-THIOCTEO,	his + mark.

Witnesses—B. MARSHALL,  
PADDY CARR.

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Q.

GERARD, ALABAMA, *October 17, 1836.*

SIR: Some time since, myself and Benjamin Marshall witnessed a letter written for, and signed by, Ne-ah-mico, Efi-Emarthlar, &c. directed to yourself. From the course subsequently pursued, it would seem that the letter in question has had an influence not warranted by the facts, and I feel it my duty, in justice to all concerned, to set the matter right. The two chiefs mentioned are near neighbors of mine: I know them well, and am in the habit of daily intercourse with them. The letter was suggested, not by the Indians but by two interested white men. Ne-ah-mico has subsequently stated to me, that he knew nothing about the subject-matter of the letter, but had been told and urged to do as they did by Dillance and Chapman, two white men, who had paid a lawyer for writing the letter. Many of the statements contained in the letter are not true, of my own knowledge. General Sandford gave public notice to all concerned of his willingness to investigate any contract, and his readiness to do ample justice in every case. He invited all persons, whether concerned or not, to make full and free disclosures of any frauds which were known to have been perpetrated. He invited the Indians to come forward and complain if any had been injured. He disseminated the information amongst the Indians as far as possible, and his message to the above effect was delivered to them in two public councils. I reside near the bridge, and was in the daily habit of crossing and re-crossing, and do know that not the slightest effort was made to prevent the free and safe ingress and egress of any Indian to the town of Columbus; and, in fact, hundreds did really pass and repass daily, as they were in the habit of doing. I know of no instance in which an Indian was by fraud, force, or in any manner prevented from approaching the agent. I have heard of no instance, and do not believe that any such exist.

As to the alleged frauds, I will not say that none were committed, but I do say that, in regard to those certificates particularly complained of, either Benjamin Marshall or myself, in almost every instance, acted as interpreters; and I know no case of frauds myself, and am very generally acquainted with the Indians who were certified.

The protracted course pursued in the land business is exercising, and will continue to exercise, a pernicious influence over the emigration; for the Indians generally indulge the hope that they will get back their lands, or be paid more money; and whilst this hope exists, they will not emigrate. There are not wanting white men to impress this upon the minds of the Indians, and hundreds who are generally and well known to have sold their lands long ago, are now refusing to emigrate, under the delusive hope of getting back their lands. The situation of the Indians is daily becom-

ing worse, and nothing can save them from total ruin but a speedy emigration. I, therefore, feel it a solemn duty to my unfortunate countrymen, respectfully but firmly to urge upon the Government a speedy disposition of the land controversy, that the Indians may at once know their true situation, and be prepared to act accordingly.

Delay is the worst thing that can now happen to the Indian. So long as the Indians remain and are tampered with by the interested white men, so long will they be dissatisfied with the disposition of their lands, and with all that the Government can do in regard to them; but they will at once submit to whatever may be done by the Government, so that it be prompt and final.

PADDY CARR.

To the Hon. SECRETARY OF WAR.

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R.

COLUMBUS, GEORGIA, October 16, 1835.

SIR: The undersigned beg leave respectfully, but frankly, to address you upon a subject of deep interest to themselves personally, and of some interest to the community in which we live.

Soon after the last treaty was made and ratified between the Creek Indians and the United States, the lands surveyed, and the location of the reserves made, the undersigned, in common with hundreds of other citizens of Georgia and Alabama, embarked in the purchase of lands from the Indian reserves, and, in doing so, they conformed in all respects to the provisions of the treaty, and the instructions of the Government to its agents. The undersigned met with little or no difficulty, until about the first of February last, when the Indians, with a view to emigration during the ensuing spring and summer, became generally anxious to sell their lands, and an unusual number of contracts were made and certified in due form. Owing to the fact, that a large proportion of those contracts fell into the hands of certain persons and companies, to the exclusion of others, hostility to the purchasers was excited, and complaints made to the department that a considerable number of *those* contracts were fraudulent. What was the precise nature of the complaints, or by whom made, the undersigned do not know: they are informed, however, that no particular purchaser has been accused, no particular contract impeached, and that no Indian has made any complaint. The charge seems to be particularly general and sweeping in its character and terms—that most of the contracts are *believed* to be fraudulent, since a particular date. Had the charge been so specific as to present an issue, the undersigned would have met it long since, had it applied to them; but, being so general and loose, neither designating persons, time, place, nor circumstance, they believed the Government could not regard or act upon it; but in this they were disappointed. After General Sandford had ceased to act as certifying agent, and after the above complaints had been submitted to the department, he was instructed to return to his post and investigate all impeached contracts. The undersigned, relying upon the justice of their cause, and believing that the matter would be urged to a *speedy* and *final* conclusion, submitted without a murmur to the course pursued. General Sandford, in pursuance of his duty, issued his printed handbills, notifying all persons con-

cerned, of the time and place when and where he would commence his investigations, and inviting all persons, concerned or not, to come forward and make full and free disclosures of any known fraud. The same information was disseminated among the Indians as extensively as possible, and delivered to them on two separate occasions in open council. How long the agent remained at his post, and what complaints, and of what nature, you have no doubt been officially informed. The undersigned did hope that at this point the controversy would end, and that their contracts would have been submitted to and approved by the President; and they do now most earnestly protest against any further delay of their rights, or attempt at investigation, at least until a charge more specific and regular shall be made, so that each contract may stand or fall upon its own merits. The undersigned pray you to remember that they have once been cited to appear before the Government examining agent to defend their rights; that they did appear, and were ready to meet any issue that might be presented; and that none was presented. They also pray you to remember that, since that time, important witnesses have removed to other sections of the country, and they have no legal means of obtaining their testimony. They never have objected to giving a reasonable time for complaints to be made, and sustained, if possible; but they believe that a much more than a reasonable time has already been given, and that all further delay, and all further trouble and expense, to which they may be exposed, is vexatious and oppressive. The undersigned are informed, that, upon the reception of General Sandford's final report, all contracts which had been certified by him were about to be submitted to the President for his approval, and would have been submitted and approved but for the reception of a communication to the department, purporting to have been written by the two principal chiefs of the Lower Creek nation. What was the particular character of that communication, the undersigned do not know; but they have been informed that it contained, substantially, a charge of collusion between General Sandford and the purchasers; that although the agent professed to offer an opportunity for investigation, yet that he intrenched himself within the limits of this town; and that the purchasers, by force, fraud, and menace, prevented the Indians from crossing the bridge and coming to the agent's office. This letter the undersigned allege, and will, if necessary, prove, never originated with the Indians, but was suggested and forged by two interested white men, who, as we verily believe, bribed the Indians to pursue that course. The letter we pronounce to be *basely false and slanderous*. It is true that General Sandford did remain in this town, and it is also true, that at the same place had all his business been transacted, and we humbly conceive it was and is the proper place for all investigations to be had. It is *not true*, that the Indians were, by fraud, menace, or force, prevented from crossing the bridge, or visiting the agent's office; on the contrary, the bridge was open and free for them to pass, and hundreds actually did pass daily, as they were previously and subsequently in the habit of doing, without molestation or expense. This communication, the undersigned are informed, led to the appointment of a new investigating agent, (Col. Hogan,) with whose instructions they were wholly unacquainted. Against this appointment, or at least his right to investigate any of the contracts certified by General Sandford, the undersigned do protest, at least until it shall be ascertained from a previous inquiry that the communication aforesaid was true in fact, and that the Indian



have had no chance of making their complaints, if any existed. The undersigned have said, and they repeat, that they are wholly uninformed as to the instructions of Cpl. Hogan; but they are informed that he claims the right to investigate *all* contracts, whether approved or not, and for all manner of causes; and that he proposes to receive as evidence the statements of Indians, and to hold his sessions in the Indian towns, in the interior of the nation. Against this course the undersigned do solemnly protest; they hold that, at least in regard to approved contracts, they can be impeached in no other way than by a judicial procedure, when the parties will be entitled to a trial by jury, and when they can decree according to the justness of the case. Thousands of innocent persons have purchased and paid for their lands, built their houses and opened plantations; and if those titles are thus to be assailed, a scene of confusion and ruin will ensue discreditable to the Government, and too intolerable to be borne. These titles rest upon the provisions of the treaty, the act of the Government agent, and the solemn approval of the President; and if they are all a farce, all confidence in the Government is justly forfeited. By the laws of the States of Alabama and Georgia, even Indian *testimony* is inadmissible. The undersigned beg leave to inquire how, or by what authority, are their rights to be affected within the limits of either of those States by the *statements* of Indians, when, by the laws of these States, and whose validity none will dispute, even Indian evidence is illegal and inadmissible. The undersigned claim no special exemption, but they do claim the benefit of those laws applicable to all cases and all persons within these States. They wish it to be understood, that this is no technical objection, but that its foundation is laid, not only in the law, but in justice and experience. With those well acquainted with the Creek Indians in their present degraded and fallen state, it will be universally admitted that no confidence can be placed in their veracity, especially when their interest is at stake. As conclusive evidence of this, we need only refer to the communication from the *two principal chiefs* of the Lower Creeks to yourself, above mentioned. They were tampered with by white men, and have not hesitated to state to you, in *writing*, a string of palpable falsehoods. If a more pertinent instance be wanting, one of those very chiefs (Epha Emarthla) has complained to Col. Hogan that his land had not been sold by himself, and requesting that, when the case was gone into, a particular negro should interpret, who would say that he had not sold; and by no means to permit Carr to interpret, for he would say that he had sold. Now, in regard to this man, it is susceptible of proof from several of our most respectable citizens that *he did* sell, and was in *person certified*. Hundreds of similar cases might, if necessary, be cited. The undersigned pray that the evidence of such persons, much less their statements, may not be received against their own oaths, the attestation of the deeds, and the certificate of the Government's own agent. If further investigation is to be had, the undersigned protest against its being had at any other place than where the contracts were made. It is known to you that travelling is not entirely safe in some parts of this nation, and we believe that men who are able and willing to influence the Indians to write you palpable falsehoods, would be able and willing to influence them to render exceedingly hazardous the travelling of their opponents through the interior of the nation. Moreover, it will be remembered that purchasers have no legal means whereby to coerce the attendance of their witnesses before the agent at any place of his appointment and it is not likely that witnesses would

voluntarily incur the danger and privation incident to such travelling. The undersigned, now, here state distinctly, that if this mode of procedure is persevered in, they cannot, and will not, incur the hazard, and must leave the agent to pursue his own course and one-sided investigation.

In regard to the alleged frauds, the undersigned beg leave to say, that, in every instance, the agent inquired most particularly as to the identity of the Indian, his willingness to sell, the price to be paid, and the fairness of the contract; and in every instance where there was the least uncertainty, his certificate was withheld. During the time of passing the contracts complained of, either Benjamin Marshall or Paddy Carr, in almost every instance, acted as interpreter for the agent. Those men are very intelligent, and are, also, very generally acquainted with the Lower Creek Indians. Now, we ask if it is reasonable to suppose that it was possible, in the nature of things, that many wrong Indians could have been palmed upon both agent and interpreter?

In conclusion, the undersigned beg leave to recapitulate, that, long since, they made many purchases of Indian reserves; that they paid their money; that evidence of all this is now before the department, and is attested by the Government's own agent; that, up to this time, no contract has been impeached; that time and opportunity have been given for complaints, and none yet made; that many contracts were made long before the time at which it is alleged the frauds commenced, against which not a word has been uttered, and which are also withheld. Now, we do respectfully and earnestly urge that our contracts be forthwith submitted to the President for his approval; and, in default thereof, we shall feel that justice has been withheld from us, and that, upon every principle of fairness, the Government will be bound to make good any loss that may accrue to us.

Respectfully, your obedient servants,

ELI S. SHORTER,  
SHORTER & SCOTT,  
SHORTER, TARVER, & Co.,  
J. A. HUDSON,  
HUDSON & FONTAIN,  
HUDSON & McDUGALL,  
ALEXANDER J. ROBESON & Co.,  
WELLBORN & ROBISON,  
LUTHER BLAKE,  
BLAKE & CARR,  
G. W. DELLINGHAM & Co.,  
J. J. FANNIN & Co.,  
JOHN D. HOWELL & Co.,  
McDOUGALD, HOWELL, & Co.,  
J. W. WOODLAND,  
PEABODY & WOODLAND,  
POWELL & WATSON,  
DANIEL McDOUGALD,  
By his attorney, John Peabody,  
McDOUGALD & MILLS,  
N. B. POWELL & Co.,  
T. J. WORSHAM,  
WORSHAM & CALHOON,  
WILLIAM ELLIS.

To the Hon. SECRETARY OF WAR.

S.

CREEK NATION, ALABAMA,

November 16, 1835.

To the Hon. LEWIS CASS,  
Secretary of War :

SIR : We, the undersigned, principal chiefs of the Lower Creek Indians, some months ago addressed a letter to you, containing, as we now understand and are informed, matters with which we were then unacquainted, and producing results which we did not expect. We, you know, are unacquainted with your language, and can neither speak nor write it ourselves, nor can we understand it when spoken or written to us by others. That letter did not originate with us, or with the Indians. We should never have thought of it, had it not been suggested to and urged upon us by two white men who professed to be our friends and the friends of our people, and who assured us that the letter would greatly benefit us and our people. Under this impression, and without knowing or understanding what were the contents of the letter, we signed it.

We are now informed that the letter contained a complaint, in substance, that the investigating agent, General Sandford, had not given our people a fair chance to complain of frauds in the sale of their lands ; and that the white men had, by fraud, force, and threats, prevented our people from going before the agent to make their complaints. If the letter contains any such statement as this, we wish the letter to be considered as never having been written, for it is not true. Our people well knew that the agent was ready to hear them ; there was no difficulty in their making their complaints, if they had any to make ; but we know of no frauds ourselves, and we have heard of none from our people, only as they have been prompted to make them by interested white men. We believe it best to stop all further investigations ; for some of our people, who are known to have sold their lands, are ready, under the influence of white men, to deny selling ; and we believe many of our people, in this way, are about to get into trouble.

NE-HA-MICCO,	his + mark.
HOTULGE TUSTUN MUGGA,	his + mark.
E-FI-E-MARTHLAR,	his + mark.
TOMMY MICCO,	his + mark.
TUCKABATCH FIXICO,	his + mark.

Done in presence of  
WILLIAM RIVES,  
SAMUEL R. ALLSTON,  
LUTHER BLAKE,  
PADDY CARR, *Interpreter.*

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T.

STATE OF ALABAMA :

*Interrogatories to be exhibited to Paddy Carr, whose testimony is deemed material for the purchasers of Indian reserves, under the last treaty made with the Creek Indians, upon the trial of certain imputations of fraud, made at the Department of War :*

1st. Who was the usual and general interpreter for General Sandford, in the sale and certification of Indian reservations, about the 1st of February

last, for some time previous, and up to the close of the business? In case of his absence, were you in the habit of acting as interpreter? and, during that time, did any other person act in the same capacity?

2d. Are you very generally acquainted with the Lower Creek Indians, whose business was transacted in General Sandford's office? Do you know of any fraud that was practised by the substitution of a wrong Indian? If you had detected any such attempt, would it not have been your duty, and would you not have performed that duty, to disclose the matter to the agent?

3d. In every certification which you witnessed, say whether yourself and the agent did not very closely and particularly examine the Indian selling, touching his identity? and state what was the nature of those examinations.

4th. During the time General Sandford kept his office open in Columbus, for investigations, say if you did not reside on the Alabama side of the river? whether you did not daily cross and recross the bridge? whether large numbers of Indians, during that time, did not cross and recross as usual, without let or hinderance? and say if you know of any attempt, by force or menace, to prevent any Indian from crossing, or approaching the agent's office, to make complaint, if any existed? If so, state who was the person, and what means did he use?

ELI S. SHORTER,  
For self and other purchasers.

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GEORGIA, *Muscogee County* :

*Answers of Paddy Carr to the annexed interrogatories :*

1st. Benjamin Marshall was the usual interpreter for General Sandford. I sometimes acted in his absence. I know of no others.

2d. I am as well, and perhaps better, acquainted than any other person in the nation. I know of no fraud that was practised. In a few cases during the certification, Indians did present themselves who were not the proper owners of the land; but, from the strict examination by the agent, they were always detected and severely reprimanded. It would have been my duty as an interpreter, and I certainly would have performed it.

3d. It was the constant rule of the agent to examine the Indian selling, as to his identity, by asking the name he gave in to the enrolling agent, the town he gave in at, the town he belonged to, and the name of the chief. The agent would then inquire of the Indians present if they knew the one then before him, and if what he had stated were facts; then to whom he had sold, when the sale was made, and how much he was to get; explain to the Indian the nature of a sale, and strictly charged him to take care of his money, and not suffer the white people to cheat him out of it.

4th. I did reside on the Alabama side of the river, and was in the habit of almost daily crossing and recrossing; numbers of Indians were daily doing the same, without the least hinderance. I never heard there was a charge of that kind, until a long time after General Sandford had ceased certifying.

PADDY CARR.

The above foregoing answers were this day sworn to and subscribed before me, November 23, 1835.

ALFRED IVERSON, J. S. C. C. C.

U.

## STATE OF ALABAMA:

*Interrogatories to be exhibited to Benjamin Marshall, whose testimony is deemed material for the purchasers of land under the last treaty with the Creek Indians, and in regard to which fraud has been imputed, the said witness being on the eve of removing from said State :*

1. Did you generally act as interpreter for General Sandford, in the sale and certification of Indian reserves, about the 1st of February last, for some time before, and up to the close of the business? If any one else during that time acted occasionally as interpreter, say who that person was?

2. Are you very generally acquainted with the Indians, in the Lower Creek nation, and those whose business was done in General Sandford's office? If so, say whether you know of any fraud which was committed by substituting a wrong Indian?

3. Had you detected any such fraud, was it not your duty to disclose it? Did not the agent request you to do so? and would you not have done it?

4. When the agent was instructed to investigate alleged frauds, what notice thereof did he give to the parties concerned, and to the community at large? And how was that notice communicated to the Indians, and promulgated amongst them?

5. Did you not reside on the Alabama side of the river, during the time the agent kept his office open for investigation in Columbus? Were you not daily in the habit of crossing and recrossing the bridge? Did not large numbers of Indians during that time cross and recross as usual, free from molestation or hinderance? Do you know of any force or menace used to prevent any Indians from crossing or approaching the agent's office, to make complaints, if any they had? If so, state who the person was, and what means were used.

JOHN D. HOWELL,

For self and other purchasers.

THE STATE OF GEORGIA, }  
Muscogee county. }

*Depositions of Benjamin Marshall, taken before me, Alfred Iverson, judge of the superior court of the Chattahoochee circuit in the State aforesaid, at Columbus, in the county aforesaid, this 17th day of November, A. D. 1835.*

The said Benjamin Marshall, after being duly sworn true answers to make to the interrogatories hereunto annexed, deposes and answers as follows, that is to say: To 1st interrogatory, he answers: I did act as interpreter between General Sandford and the Indians, from the month of February, 1834, up to March, 1835. I was absent three or four times during that period, but did not stay away more than a week at either of the times. I am not able to state who acted as interpreter during my absence.

To the 2d interrogatory, he answers: I am generally acquainted with the Indians in the Lower Creek nation, except the Enchees and Lower Ufaulabs, and I have no knowledge of any case certified when I acted as interpreter, in which the wrong Indian was substituted. I was present when a large number of the Lower Ufaulabs were certified, and remember their chief, Yilker Hadjo, was present, whilst the contracts were certifying, and was



called upon by General Sandford, in every instance, to say whether the Indian of his town, that was produced, was the true holder of the location.

To the 3d interrogatory, he answers: I did consider it my duty to disclose fraud in all cases that came within my knowledge, and I was so instructed by General Sandford. There were several cases in which I did make known to General Sandford that the Indian produced was not the right one, and thereby prevented the contract from being certified.

To the 4th interrogatory, he answers: When the investigation commenced, General Sandford issued a written notice to the purchaser on those few cases in which complaints were lodged; and before the investigation commenced, notice was given by printed notices, stuck up at public places, and also in the newspapers published at Columbus. Notice was given to the Indians, by informing the chiefs, who were instructed to give notice to the people of their towns. I gave notice to the Indians myself at two councils, one of which was held at the residence of Ne-ah-micco, the other at Fort Mitchell.

To the 5th interrogatory, he answers: I did reside on the Alabama side of the river, opposite Columbus, during the time the investigation was going on. I was in the habit of crossing the river daily by the bridge, during that time, and saw large companies of Indians crossing and recrossing, and never saw any attempt, either by force or otherwise, to prevent said Indians from crossing and making their complaints.

B. MARSHALL.

Answered, subscribed, and sworn to, before me, this 17th November, 1835.

ALFRED IVERSON, J. S. C. C. C.

## V.

### CREEK INDIANS.

*Substance of a "talk" between his excellency Clement C. Clay, Governor of the State of Alabama, and Ho-poe-thle-Yoholo, Chief of the Creek nation, in the presence of the following officers, Major Gen. Patterson, Colonels John B. Hogan, John A. Campbell, Albert J. Pickett, and James E. Belser, Judge Benson, Majors T. J. Abbott and Donegan, and other gentlemen, together with the undermentioned chiefs of Tuckabatchee town: Young King, Little Doctor, Yarja, Sich-e-Colonels, Mad Blue, Mad Deer, Osooch-Fixico, and others, on the 30th May, 1836.*

Ho-poe-thle-Yoholo said, at the city of Washington, in the winter of 1832, he saw and conversed with the President of the United States, General Andrew Jackson. The President there informed him, after the making of their treaty, that, by the terms of it, at the expiration of five years from the date of its conclusion, if his people, the Creeks, continued to reside where they then were, they must necessarily become subject to the jurisdiction of the State of Alabama, and be governed by its laws; otherwise, they must move beyond the bounds of the Mississippi, and settle themselves in a new home; which course he thought would be most beneficial for them.

Before the expiration of this term of five years, however, the whites had come in, in great numbers, among them, and thenceforward there had been much trouble and confusion. In consequence of this state of things, he

had; in the mean time, in accordance with the council of friends, gone to look for a home beyond the Mississippi. During his absence greater troubles had grown up, and more confusion among his people arisen, on account of the transfer and sale of their reservations, for on his return he found that the whites were swindling them out of them; on that account he had requested Dr. McHenry, at that time certifying agent, to forbear from certifying to contracts for the sale of them, for he had discovered that it was no uncommon thing for one Indian to be instigated to assume the name of and personate another, and sometimes to sell and stand up to be certified to several tracts of land, of not one of which he was in reality the owner. He had written to the President on this subject; he had asked for an investigation, and desired inquiry to be made into it; he had also, in order to prevent a repetition of such conduct, requested the President not to permit of certifying to contracts, except in the presence of discreet chiefs; and was much gratified to find that, latterly, that course had been adopted.

The land speculators, in order to get the Indians' reservations of land, would harden the people against the counsel of the chiefs, and sell to the Indians pistols and powder, knives and lead; would give bad counsel to them, and say to them: If the chiefs attempt to restrain or interfere with you, kill them; and that in this way the late depredations and disturbances that had so suddenly and in so unlooked-for a manner broken out in the nation had been created and produced.

At the time of the meeting, that had been appointed to take place at Dr. McHenry's, for the holding of the investigation asked for concerning the frauds that had been committed upon the Indians in the sale of their lands, he was himself sick and unable to attend, but sent word that the chiefs generally, who for the most part were apprized of the affairs of their people, and therefore knowing who among them had actually sold, and who not, could assist in making a proper report of them. Tuskehenehaw, of Tuckabatchee, was present at this meeting, hiding about in the bushes; and Gen. Woodward and Capt. Walker were also there, putting it into Tuskehenehaw's head to make the Indians believe that those among them who went before the agent to make complaint about the fraudulent sale of their lands, would be the very persons who would be taken, and sent immediately off to Arkansas.

Walker and Woodward were, furthermore, at the same time making papers also out in the bushes for the Indians there, telling them that what the agent might do for them would be of no account, but that the papers they were making for them would secure them.

By their treaty, made with the President, it remained with their people, after the expiration of the five years, either to stay upon their lands under the law of the State, or remove westward to a new home; in either event, he had been anxious for the people to be allowed the benefit of what was rightfully their own, and to this end the investigation was desired by him, and it had been his earnest hope that it would have effected it. He had often-times attempted to procure a general meeting of the tribe of Tallassee, having a desire to talk with them, but was as often foiled, they appearing to have an idea of what he wished to converse about, and being, also, more immediately under the influence of Tus-ke-he-ne-haw, anxious to avoid it. An opportunity being at length afforded, he appeared unexpectedly at their meeting, and finding Tus-ke-he-ne-haw with them, remonstrated with him about the evil course he was pursuing, telling him that the pernicious talks

he was making to the Indians were not his own talks, and did not originate with him, but were derived from others, of whom he was the dupe; and that if he thus obstinately persevered in such course, it must necessarily end in consequences that would be ruinous, and that all would be afflicted with sorrow for Tus-ke-he-ne-haw; he notwithstanding, continued stubborn, and afterwards proceeded in the same way he had begun, disregarding his friendly remonstrance; and the events which he had so much feared, on account of it, had unhappily, of late, become realized. Flying rumors of contemplated disturbances had occasionally passed amongst his people, but they were considered by them as unworthy of their belief; they did not open their ears to them. Now, indeed, the astounding facts had broken out upon them. He had received information of a matter which he had been unable properly to comprehend: it was concerning a paper, or letter, said or pretended to have been sent from people beyond the seas; this, it was said, had been circulated in some of the Indian towns; he had heard that it had been sent to Kun-char-te Micco, to Ene-har-marth-looche, to Neah Micco, and that Tus-ke-he-ne-haw had also received it; he was informed that runners had come from Neha-Micco to Tus-ke-he-ne-haw, bringing four broken sticks to him, and word that they were ready; and it appeared that it was about the time of the last of these broken sticks that hostilities had commenced among them.\*

The circumstance of the paper said to have been circulated, he could not, as he had before said, well understand; it could not have been the work of Indians, for they cannot read or write; the only way in which he can account for it is, that white people must have been at the bottom of it. His people had agreed with Col. Hogan, the superintendent and agent, that they would emigrate with him during the present spring; some of them, however, had been desirous of making a crop first, and putting off going until fall afterwards. This had been suggested to Col. Hogan, but he would not listen to it, and said they must not defer the time of their removing beyond the spring; that the grass would be sufficiently grown then to feed their ponies upon; they must be prepared to start by that time; it would be the best season for them, and they ought to avail themselves of the advantage of it, and be off; that, to facilitate their removal, he had promised to interest himself in the procuring, if possible, the payment of their annuity for the present year, by that time; but although, as they had been informed, he had endeavored to do so, he had not been successful—no law having then been passed authorizing and appropriating it. The time contemplated for their removal had also passed; the people, in expectation of it, had not planted, and were already in a state of great want on account of it; they were, generally, both willing and desirous of emigrating, and would go into camp if the opportunity was afforded them; that, owing to that diversity of sentiment ever entertained by men in regard to the pro-

## NOTE IN HOGAN'S HAND-WRITING.

\* The paper alluded to by Op-othe-le-Yoholo was the talk ascertained to be some old proclamation issued during the last war with England by Sir George Cockburn, commanding the English fleet, and was highly inflammatory, and addressed to the Creek Indians, and was, no doubt, the cause, at that time, of exciting them to make war on the whites. Where those old proclamations could have been lying all this time, is not yet discovered; but an Englishman, who is a silversmith, and resided for some time in Columbus, Georgia, was the man who rode among the Indians, and read and explained those papers, but took care to conceal the date; he is now in prison in Montgomery jail. This man says he is the natural son of Francis the Prophet, hung by order of Gen. Jackson, and was born in London at the time Francis visited England.

priety of particular measures, it was not to be expected that all would be unanimous in the matter, but he thought that those who had hitherto said they would not go, might, by possibility, be influenced by the example of the others going into camp, if camps were opened for them; and although some of this mind might be reluctant, yet he did not think they were spoiled; that is, that their repugnance to emigrating was invincible; but might, by such means, be overcome.

He wished to make particular remarks on one subject, which deeply affected their condition as a people, and interests: it was in regard to the quantity of ardent spirits that was continually introduced among them; beyond doubt, it was one of the leading causes of their debasement and misery, and tended infinitely to the creation of mischief and disturbance. He was desirous, in the event of their going into camp, that the dealers in the commodity might not be allowed to bring or sell it among them; in the absence of the cause, they would, of course, be relieved from the baneful and destructive effect. Another subject, too, he would also invite attention towards. Claims were not unfrequently set up by their white brethren against the Indians; these too often were founded neither in truth nor justice; often, where not a cent was due on account of them. To satisfy such demands, their horses were sometimes seized upon—sometimes their money: this, too, arbitrarily and without sanction of law; at other times, they were threatened with the consequences of the law, or the confinement of a jail, and in such manner their substance was extorted out of them. Oak-fus-ke-Yoholo, the prisoner lately killed in Tallassee, while attempting to effect his escape, he had every reason to believe, had been excited to anger and made mad by some circumstance of this kind.

To proceedings so arbitrary, and the introducing and selling such floods of liquor among them, he thought a stop should be put. They could then, in more order and quiet, complete their necessary arrangements for going away.

When the late hostilities broke out, his people were engaged in gathering up their cattle, that were dispersed in the woods, in order to dispose of them, in expectation of their departure; they had not finished this gathering when news of the hostilities reached them, nevertheless they immediately quit hunting their cattle, and hastened to the relief of their white friends; nor did they cease from aiding them until, by their exertions, most of the deluded and guilty depredators upon the lives and property of the whites in that section of country had been either made prisoners, and turned over to the custody of the whites, or expelled the neighborhood, through fear, to places remote and unknown to them, and where, as was supposed, the main body of their enemies had secreted themselves and absconded.

Hopqethleyoholo being here asked by the Governor, whether he would be willing to continue to lend his useful aid to the commanding general, (Patterson,) then present at the interview, answered: Neah Micco and Tuskehenehaw are responsible for the influence of the evil counsels they have been instrumental in disseminating among the red people; by their conduct, they have become deeply involved in the creating of the present passing events; have been actors in them; and ought, therefore, to be chargeable with some of the troubles and burdens of allaying them. He thought it was in the full power of these, by proper exertion, to cause the apprehension and delivery of the murderers and other depredators, who had

been concerned in the late rash and lamentable outbreak upon their white brethren of the Creek nation. This exertion ought to be first required and demanded of them; after which, if they turned a deaf ear, and refused, and the general called upon him, although the horses belonging to his people were much worsted by the fatigues of their late service and enterprise, they would again, nevertheless, cheerfully turn out to his assistance, and help to subdue and take them.

Reverting to the subject of their removal beyond the Mississippi, Hopoethleyoholo said, Captain Walker, one of the company of the contractors who had engaged with the Government to emigrate them, had conversed, some time back, with him about their emigration, and had offered to open camps for them to assemble in, upon condition that they should only remain in camp one week prior to the commencement of their journey, saying that he could not keep them in camp, and feed and furnish provisions for them longer than that space; that his people would not agree to go into camp upon such conditions; the time limited to them was too short to make their needful preparations in, therefore they were unwilling to agree to it. Lately, Captain Walker had again made his people similar proposals; but, as before, they could come to no other understanding about it. On that occasion, Colonel Hogan being absent, they had obtained an interview with Captain Page; at this interview mention was made to him about the state of their land matters, which, although investigations had already been had about them, it appeared; by the order of the Government, were to be had over again. Captain Page, on that occasion, had said to him that there were so many agents sent by the Government amongst them to hold investigations about the stolen lands they made complaint of, and for other purposes, that he did not think it was going to do them any good; they would be kept by them until fall before their business would be settled; that his people, therefore, had better sell their claims to these controverted lands for whatsoever they were able, even though they might not be able to get the worth of them; they had best get something: something was better than nothing. Then a man, with whom, at the time, he was unacquainted, of middling height, and rather thick, came up and accosted him, saying he had heard what had been said in the matter of their land claims by Captain Page, and, if he liked the talk, and would sell him the claims, he would buy them, doubtful as might be the chance of their recovery; nevertheless, he said, in the event of their selling to him, that he would incur the risk of this. Here Captain Walker, who was then present, interfered, and counselled his people to agree to this proposal, and sell their claims as was desired; and it was at this period that he made his second offer, as last mentioned, to open camps for emigration.

Being asked what towns he thought were now willing to emigrate, he replied, the town of Tuckabatchee, for the most part; these were his people; they were, in general, willing, except those about Tuskehenehaw; and under his influence, these objected. The other towns, so far as he could learn, were those of Ottissee, Clewalla, Tuskegee, Coosawda; Kialige, Hatchechubbee, Autauga, Towarsa, part of Ufaula on Tallapoosa, Hickory Grounds, Little Oakchoy, Wewoakkar Wockoy, Pockentallahassee, Weogufka, Hilabee, part of Fish Pond, and part of Talladega.

Hopoethleyoholo added, in conclusion, that some of the Creeks had passed over among the Cherokees; they were composed principally of Sockapartoy, Kunchartee, Tallasseehatchee, and a portion of Talladega.



W.

EXECUTIVE DEPARTMENT, TUSCALOOSA,  
February 22, 1834.

SIR: I have the honor to transmit, for the consideration of the President, a copy of an act of the General Assembly of this State, which, you will perceive, was passed with the design of affording protection to the Indians in the reservations granted them by the treaty of March, 1832; and I may add, with the expectation that its provisions would be deemed by him sufficient for the attainment of this object. It evinces a regard for these people by the authorities of Alabama, and a determination to protect them in all their rights, which will assure the President that the employment of military force hereafter will be unnecessary.

I repeat what I have stated heretofore, that the body of the settlers are opposed to aggressions upon the Indians; and, if called upon to act as jurors, will not hesitate, as far as their agency may be concerned, to carry into effect the intention of the Legislature, by inflicting the penalties of the law upon all who may be reckless enough to violate it. This being the case, few, if any, instances of intrusion will occur; the Indians will be as secure in their possessions as our white citizens; and it cannot be doubted that the treaty will be as faithfully, and more effectually, executed, than it possibly can be by a detachment of armed soldiers.

Alabama having rightfully acquired exclusive jurisdiction, previous to the ratification of the treaty, over the subjects embraced by the fifth article thereof, cannot be deprived of it without her consent. But, however this may be, whatever the power of the General Government, or the right of the State in this matter, it appears to me that the novelty of the spectacle of keeping upon the borders of a State a standing army to awe its citizens into submission to the laws, and the obvious departure which it indicates from the customary modes provided by the constitution for conducting the operations of the Government, are considerations of themselves sufficient to induce a resort to milder means—to means that are more compatible with the genius of the Government, and the spirit of our institutions; that are more agreeable to the habits of our people, and less offensive to that American pride which delights in yielding obedience to the civil tribunals of the country, but is reluctant to submit to the restraints of military coercion.

The act of 1807 cannot be executed in this State without violating many of its laws, the oldest in our statute-book, which the duty of our officers bind them faithfully to administer. Collisions, therefore, such as the President should be, and I am sure is, among the last to desire, will unavoidably take place, if he adheres to the determination to employ military force.

I sincerely wish to avoid this state of things, and it is to that end that the proposition is made to confide to our laws, particularly the one enclosed, the protection of the Indians and the execution of the treaty. I shall be greatly obliged by being informed of the decision of the President, as soon as your convenience will allow you to communicate it.

I have the honor to be, sir,

Very respectfully, your obedient servant,

JOHN GAYLE.

HON. LEWIS CASS,

Secretary of War.

An ACT for the punishment of certain offences committed upon the territory ceded by the Creek tribe of Indians to the United States of America.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, if any person or persons whomsoever, shall forcibly or peaceably enter upon, or take possession of, any tract or tracts of land within this State, and within that portion of territory ceded by the Creek tribe of Indians, by the provisions of the Creek treaty of the 24th March, 1832, to the United States of America, and which, according to the provisions thereof, are set apart, and are to be distinguished as Indian selections and reservations, without having previously made a contract with the person or persons entitled to the possession of such selection or reservation of land, according to the provisions and requisitions of said treaty, the person or persons so offending shall be proceeded against by indictment in the circuit court of the county in which such Indian selection or reservation may be, and, upon conviction thereof, shall be sentenced by said court to pay a fine not exceeding one thousand dollars, nor less than two hundred and fifty dollars, to go to the use of the county in which such case or cases may be tried; and upon his, her, or their failure or inability to comply with such sentences, he, she, or they shall be committed to the common jail of the county in which such conviction may be had, there to remain without bail or mainprise, and shall not be discharged therefrom until the end and expiration of three calendar months from the time of such commitment, unless the sentence of the said court shall, in the interim, be complied with: and upon every conviction it shall be the duty of the court, before whom the same may be had, to order and direct the sheriff of the proper county to put the person or persons entitled to any such selections or reservations of land so trespassed upon as aforesaid into the immediate possession of the same.

SECTION 2. *And be it further enacted,* That it shall hereafter be the duty of the presiding judge of the circuit courts of the counties of Barbour, Macon, Russell, Chambers, Tallapoosa, Coosa, Randolph, Talladega, and Benton, at each and every term of the said circuit courts, to give this act specially in charge to the respective grand juries thereof.

SAMUEL W. OLIVER,

*Speaker of the House of Representatives.*

JOHN ERWIN,

*President of the Senate.*

Approved 18th January, 1834.

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X.

EXECUTIVE DEPARTMENT, GEORGIA,

*Milledgeville, February 5, 1834.*

SIR: It has been with some degree of surprise that I have, for several months past, been receiving communications from the citizens of Irwin, and other adjoining counties in this State, complaining of the lawless depredations of a large number of strolling, vagabond Indians, belonging to the remnant tribe of the Creeks, who yet remain in the State of Alabama. The

present possessions of these Indians do not approach within fifty miles of any part of the county of Irwin; the intervening country, however, from the Indian settlements to the county of Irwin, is but very thinly populated by the whites, being chiefly a poor pine barren, interspersed with extensive swamps, which are rarely penetrated by civilized men, and therefore afford a hiding-place and refuge for wild beasts and more savage men.

These Indians have, in considerable numbers, taken up their abode in this section of the State, and have done immense damage to the peaceable citizens who have settled in that part of the country, by killing their cattle and hogs, and stealing and consuming their corn, potatoes, &c.; they are sufficiently strong in numbers to bid defiance to the thinly settled population. Attempts have been made, under my instructions, to apprehend and bring to justice this lawless band of robbers; but whenever a force sufficiently formidable presents itself, the Indians immediately take refuge in the swamps, and evade apprehension and farther pursuit.

I would not trouble you with this subject, if I were not at a loss to correct this evil, without resort to a remedy which, from every consideration, and every feeling of my nature, I am anxious, if possible, to avoid. I am convinced that I have no means at my control to bring to an issue these insufferable depredations but by exterminating, in the most summary way, this miserable band of robbers. My object, therefore, in communicating to you directly on this subject is, to suggest to you that it has occurred to me that some direct instructions or order from you to the principal men amongst the Creeks, through such agent or agents as you may deem best (perhaps to the commandant of the United States troops now stationed on the western borders of Georgia,) might be most effectual, as well as the most peaceable method of suppressing and ending this insufferable difficulty. It is certain that the evils complained of cannot be much longer borne with. If you cannot control these Indians through some agency, the authorities of Georgia will be under the painful necessity of exterminating the evil in the only practicable way.

I have the honor to be,

With great respect, your obedient servant,

WILSON LUMPKIN.

Hon. LEWIS CASS,

*Secretary of War.*

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Y.

EXECUTIVE DEPARTMENT, GEORGIA,  
*Milledgeville, October 7, 1836.*

GENTLEMEN: I have the honor to acknowledge the receipt of your letter of the 3d instant, in which you request me to communicate to you, as commissioners on the part of the United States to inquire into the causes of the recent Creek hostilities, such information as I may have, and which may be communicated consistently with my ideas of propriety and public duty, in regard to the causes of these hostilities; the time when the aspect of things on the Chattahoochee became alarming; the time when the means of meeting reasonable anticipation of danger to the white population of Alabama and Georgia were resorted to by the State and General Governments, and what those means were.

Of the causes which led to the Creek war I know nothing, and can, therefore, only give you my opinion, with the reasons upon which it is founded.

The great majority of the Creek Indians are idle, dissolute vagrants, many of whom had, for a long time, been subsisting on provisions stolen, mostly from the people of Georgia living on and near the Chattahoochee. They were in the daily practice of crossing the river, stealing cattle, horses, hogs, corn, and such other articles as they wanted. If the people thus robbed objected or attempted to resist or punish them, they would add murder to their other crimes. Many of them were in a state of starvation, and had no means of obtaining subsistence, except by depredations on the property of the white people. In the prosecution of their unlawful purpose they were sometimes detected, and, in the conflicts which ensued, some of each party were occasionally killed. A state of bad feeling was the consequence on both sides, and with the Creeks ripened into a determination to revenge the death of their guilty comrades. They were, moreover, determined not to emigrate to Arkansas, and believed that, in the moment of panic and consternation produced by these hostilities, they could escape to Florida with the booty they could obtain from the murdered and fleeing inhabitants.

These, in my opinion, were some of the causes which produced the Creek war. Public opinion has, in some sections of the State, assigned, as a principal cause of hostilities, the frauds which are alleged to have been committed on the Creeks in the purchase of their lands. Of this I know nothing, and have no evidence on which to form an opinion. I cannot, therefore, either affirm or deny the truth of the report.

The predatory incursions of the Creeks into Georgia kept up a constant excitement in the counties on and near the Chattahoochee, which produced repeated calls on the Executive of the State for protection. In the month of January last, arms and ammunition were sent to the counties thus annoyed; and in each a corps of twenty men was formed and called into service, as spies to watch the movements of the Indians, and give notice of their conduct to the commanding officer of the county, or to chastise and drive them off, if their numbers were not too great.

These companies were kept in service until about the 10th of March, when they were superseded by a small battalion of mounted men, consisting of about two hundred, under the command of Major John H. Howard. This force was placed on the Chattahoochee, eighteen miles below Columbus, with instructions to patrol the country; and it had the effect to tranquilize the frontier, until early in the month of May, when the Creeks commenced open active hostilities, by murdering the white people, and burning their towns and property, and carrying away such booty as they could procure. The first notice I received of this state of things on the frontier was contained in a communication from the Hon. John Fontaine, mayor of Columbus, dated on the 9th day of May, and received at the Executive office on the 11th. On the 12th I sent to Columbus one six-pound field-piece, and all the small arms remaining in the arsenal, and wrote to the Secretary of War, giving him information of the situation of the people in that quarter, and the general hostility of the Indians. On the 13th I issued an order, inviting volunteers to march to the scene of danger, and used all the exertions in my power to bring to the field a competent force, and furnish them with munitions of war.

The troops began to arrive on the frontier the last of May, and the first company was mustered into the service on the 2d or 3d of June, as well as I now recollect. Previous to this, however, the militia of the neighborhood had been called out for temporary protection, and until the army could be assembled. The troops, as fast as they arrived, and could be provided with arms, &c., were placed at different points on the river, below Columbus, to prevent the escape of the enemy to Florida. The number of Georgia troops that flocked to the standard was between four and five thousand, besides which there was a considerable number of regular troops; but most of the Georgians were without arms, and, consequently, were not in a condition to go in search of the hostile Indians, until about the 18th or 20th of June, when the troops received arms, and took up the line of march under Generals Scott and Sandford.

I have the honor to be,

Very respectfully, your obedient servant,

WILLIAM SCHLEY.

MESSRS. ALFRED BALCH and

T. HARTLEY CRAWFORD,

Columbus, Georgia.

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Z.

EXECUTIVE DEPARTMENT, ALABAMA,  
Tuscaloosa, October 27, 1836.

GENTLEMEN: I have had the honor to receive yours of yesterday, in which you refer to the resolution of the House of Representatives of the United States, adopted at the late session of Congress, authorizing the President of the United States to "take such measures as in his judgment might seem expedient, to inquire into certain frauds alleged to have been committed in the sale and purchase of reservations of land to the Creek Indians, and into the causes of their late hostilities," and to your appointment, by the President, for the purposes indicated by that resolution. Your inquiries are confined to the causes of the late hostilities of the Creek Indians, in relation to which you request my opinions.

I must say, in reply, *I have no personal knowledge of facts*, on which to found an opinion on the subject to which you allude. I am not aware that I have had any communication, personally or by letter, with any individual who may have been implicated in the excitement of hostilities. So far as I am able to judge from the communications of individuals, or from indications of public sentiment, as expressed at public meetings, and otherwise, it seems to me the opinion prevails extensively, if not almost universally, that the frauds and forgeries practised upon the Indians, to deprive them of their lands, were amongst the principal causes which excited them to hostilities.

Some of those with whom I have conversed have ascribed the war to the combined influence of several causes: to the frauds and forgeries before mentioned; to the vice and intemperance introduced amongst them by a class of white men; and to the destitute and almost starving condition to which they were reduced, mainly by the operation of the two former.



With the means of information in my power, I am inclined to believe the latter opinion most correct.

I beg leave to refer you to the copy of a letter from Major General Gilbert Shearer, commanding the sixth division of Alabama militia, bordering upon the Creek country, dated 2d May last, which has some reference to the subject of your communication; and, also, to the copy of one from Major General William Irwin, commanding the fifth division, bordering upon and including part of the territory which was occupied by the hostile Indians, dated 4th May last, with which you have already been furnished.

With the highest respect, I am, gentlemen,

Your most obedient servant,

C. C. CLAY.

To Messrs. CRAWFORD and BALCH,  
*Commissioners.*

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*Report of T. Hartley Crawford on the causes of the late Creek Indian hostilities, &c., under a resolution of the House of Representatives of the United States, passed on the 1st July, 1836.*

GREEN'S, NEAR TUSKEGEE, ALA.,

January 9, 1837.

SIR: The House of Representatives of the United States, on the 1st July, 1836, "*Resolved*, That the memorial of certain citizens of Alabama and Georgia, respecting alleged frauds in the purchase of the reservations of the Creek Indians, and the causes of their present hostilities, be referred to the President of the United States; and that he be requested to cause such measures to be taken for investigating these transactions, and for the prosecution of the persons engaged in them, who may have been guilty of any breaches of the laws, as may appear to be proper, and within the power of the Executive." Under this resolution the President appointed two commissioners, charging them with the inquiries therein suggested. I being one of these commissioners, report:

That the movements of a savage people, broken into different tribes, whose communications with each other are secret, made in a language known only to themselves, through private channels, and diffused by the chiefs over their respective towns in whispers or by signals, are exceedingly difficult to follow when they have developed themselves in hostile acts, and much more so to trace back to their sources, which are always hidden in the recesses of the forest. The facts must necessarily be few, and generally of impossible verification, resting chiefly in the bosoms of the actors, whose known duplicity may conceal in your visiter of to-day the individual who fired your dwelling, or perpetrated more horrid atrocities, in the past night.

The investigation confided to the commissioners has been conducted with assiduity; and, in the language of their instructions, they have "spared no pains to procure a full disclosure of every fact important to a fair understanding of this whole subject," and, "especially, to ascertain what steps have been taken by any white persons to excite the Indians to war." The obstacles that have been alluded to, and which must ever be placed in the way of inquiry as to the motives of this branch of the human family—

wild, changeful, deceptive, and revengeful—great as they are, have been immeasurably increased. In the present instance, by the removal of nearly the whole nation, and all the Creek warriors, and the restoration to entire quietude and peace, in which I happily found this country on my arrival. The storm had passed; some were struck down, but the sun again shone upon the survivors; and the excitement, which even the presence of the hostile Indians might have maintained, had subsided. The ordinary pursuits of life once more occupy the white inhabitants, who speak of the late robberies, conflagrations, and murders as matters of history, as things that have occurred; without stating, or appearing sometimes to know, why the war-whoop, the fire-brand, and rifle drove them from their dwellings; rejoiced, in many instances, that the destruction of their property afforded them an opportunity to escape the more favorite occupation of savage ferocity—the extinction of human life.

Distinct facts, susceptible of proof, it was impossible to obtain. Impressions, opinions, and belief were abundant; but rigid scrutiny has not been able to elicit any precise act which might serve as a specific reason for the wild outbreak that so lately overran this region. The instructions from your department authorized the widest range, and were framed with a view to the discovery of the secret springs of the atrocities, which rumor had assigned to causes more distressing, if possible, than themselves. The latitude given has been freely employed in every proper shape that promised usefulness; and the result is, a conviction that in this case we find another proof to be added to the many that have preceded it, that masses of men are rarely impelled by other than general causes, which alone are powerful enough to move them.

The savage, in his best condition, is generally unemployed and idle, restless, and passionately devoted to the chase and to arms. Fierce and revengeful, he knows no law but might; and, though usually brave, he is more profuse than generous; but just in his rare property transactions, and true to his word. Predisposed, by his very position and the circumstances that surround him, not less than by his nature and the laws of his people, to seek redress for supposed wrongs by violence, he is credulous of injury, and slow to believe in benefits. His warfare consists of treachery; and the blood of the woman and the child dies his fame of a rich hue in barbaric estimation. But proud, vindictive, ferocious, and cruel as he may be by nature and habit, his degradation is almost without limit when surrounded by white men. He is then infinitely debased below his untamed fellow of the forest; he loses the bold bearing of the freeman who associates with his equals, and whose acts are strongly marked by the independence that is almost his only individual possession. The cupidity of our species enters into every cabin, and preys upon the weakness of its occupant, whose small means may be said to be swallowed at a draught; and he sinks, the victim of the unprincipled, into the lowest depths to which humanity can fall. His indolence reduces his means of living; his vices waste them; his wants make him dishonest; his ignorance justifies his acts; and his sense of inferiority still further degrades him. In this deplorable situation the Creek Indians stood prior to the commencement of hostilities, prepared to yield to the impulses likely to arise in the bosoms of such men, so circumstanced, from the causes that will now be stated.

Many of the Indians, and particularly those distinguished by the appellation of the "Lower Creeks," were disinclined to emigrate to Arkansas.

Although the treaty provided that they were to be transported only with their own consent, yet its whole scope contemplated their removal so soon as their lands were disposed of. They knew it, and acquiesced. The policy of the Government for many years, in regard to these imbecile and dependant beings, has been dictated by a just regard to them, not less than by a proper consideration for the interests of our fellow-citizens who reside near them. It is a law of their condition, that they must recede before the white man : to remain, would be gradual but speedy extinction ; to go, may only postpone their destiny ; yet it is the course indicated by humanity and policy, and the only one that promises them any share of future prosperity—the Indian's best prospect, the philanthropist's last hope. The benevolent may regret that they should be carried from the woods through which they have roamed, and the huts they have tenanted ; but the moral necessity for it that exists cannot be resisted ; and those who have had a near view of these people, demoralized and profligate as they are, cannot but think that the sympathy which gives the body of them credit for much pain at separating from their old hunting grounds is misapplied. It is no more than has befallen them in all parts of the United States, even those now covered with a busy population and commercial cities, where the pursuit of happiness, through all the channels opened by civilization and refinement, is substituted for the wastes of savagism ; and it would seem to be in the order of Providence that fertile lands were not destined always to furnish, no more than the precarious supplies of the gun. Their aversion to removal may have arisen, in some degree, from attachment to this spot ; but to a much greater extent from that indolence so natural to them, and which habit has made insuperable ; from the apathy and indifference that make effort intolerable ; and, in a good measure, perhaps, with many, from an indisposition to meet that portion of the Creeks who have heretofore emigrated to Arkansas. From whatever reason, however, though many of their chiefs expressed for them their willingness to go, it is certain that, as the time of their departure approached, obstacles were interposed, and evasions resorted to. This discontent increased with each succeeding day ; an irritable mood grew out of it, which, festering with every hour, was one of the prominent causes of their recourse to violence, that made what was theretofore matter of prudent forecast, an imperious duty, in respect to the hostiles ; and the first law of nature demanded their removal, and that of the whole tribe, with whatever haste circumstances, and a due regard to their admitted rights, allowed.

Most of the Creeks had sold their lands—many of them years ago ; and having in view the change of residence intended, had made no crops. Utterly reckless in their expenditures, and ignorant of the true value of money, it had been squandered as soon almost as it was received. The manner, more than the fact of their improvidence, begot and strengthened that dissatisfied and moody state of mind so unfriendly to their own interests, and the peace and safety of the citizens of this section of Alabama. The means which the sales of their property furnished attracted to “the nation” white men, who brought to the doors of their wretched dwellings the intoxicating cup, upon which have been chiefly lavished the funds that might have contributed largely to their future subsistence—to the disgrace, the burning and lasting shame, of the tempters, and the deeper humiliation of their victims. The observations made here leave it very doubtful, as a practical question, whether it is important that the Indian should receive

more or less money, unless it could be expended for him in the necessities and comforts of life. Still, morality and integrity require that he should be compensated by an equivalent for whatever is his. The indulgence of their insatiable appetite for ardent spirits left them poor and enfeebled; discontented with themselves and others, in a starving\* condition, and in that precise situation which frequently blows the civilized man from the anchor-  
age ground of principle. The isolated Indians, untaught the ways of morality, unbound by the ties of social life, and not feeling or recognising ties of any kind, unless they yield personal gratification, endeavored to supply the wants their own vices had created, by depredation and theft. These inroads upon the rights of others were properly resisted, and sometimes punished. They banded together to effect their purpose, and were opposed by correspondent strength. The aggressions were repeated, and again met their deserved consequence. Deaths on either side occasionally occurred in the collisions that arose, and the leading trait of Indian character—revenge for the death of an associate—soon displayed itself in midnight burnings and cruel murders. Once commenced, they operated as signals for collecting those who had as yet stood aloof. The characteristic fondness of the Indian for predatory warfare seduced the unwary, and the spirit of companionship led others into the conflict, which, though short, could not be suppressed, except at the expense of much money; nor until considerable property, and, what was of infinitely more importance, many valuable lives, were destroyed.

It is believed that the rising here may be in part attributed to the then, and unfortunately still, existing hostilities in Florida. Incited by the causes before and hereafter mentioned, they were still further stimulated, heated, and inflamed, by the idea that, when beaten, (as they knew they must be,) they could plunder the deserted white settlements, and skulk, or fight their way if necessary, through to the Seminoles, combined with whom, they hoped, in their ignorance, to maintain their stand. From this union, they looked to results to which their untutored minds gave no particular form. They dreamed of undefined success in arms, that would gain for them extensive good. It is probable that this consideration operated with great force on the Creeks, and gave additional weight to the other motives by which they were actuated. They no doubt exaggerated the strength of the Seminoles; knew that the United States troops were engaged against them, and believed they could not soon be drawn to this quarter. So small a portion of the Creek nation as was embraced by the towns that took up arms, confined principally to the Lower Creeks, with a few scattered individuals who may have joined them from other towns, whose population was generally friendly, unable to muster more than a few hundred warriors, and never having their entire force actually embodied, (four-fifths of the whole tribe remaining at peace, according to my information,) would never have embarked in so desperate an undertaking as that upon which they entered last May, if they had not indulged the illusory hope that Florida was a fastness, to which they could retreat; and, in fact, some of them are there now, aiding their ferocious allies to resist the gallant troops contending, not so much with them as with the hammocks, and morasses, and diseases of the Territory. Seen through the mists by which their igno-

\* Not a doubt is entertained that many of the Indians now in Alabama would die for want of food, in the course of the winter, if the Government supplies, issued by United States officers on stated days, did not sustain them.

rance surrounded the operations in Florida, they assigned their protraction to Indian prowess, instead of the real difficulties that encompass our forces; which, if human effort can command success, it is thought will soon be overcome.

These views are abundantly supported by the communication of Governor Schley, of Georgia, of the 7th October last, to the commissioners, and herewith transmitted. The depredations upon property, prior to open hostility, had been chiefly inflicted upon Georgians; the attention of the Governor had been early drawn to them, and his official functions exerted in the ablest manner to repress the incursions. It will be perceived, that, with the best lights for judging, one of his leading objects was to prevent the junction of the hostile Creeks with the Florida Indians. He seems to have entertained no doubt that to effect it was their intention, and a careful consideration of the subject must, I think, establish the correctness of his conclusion.

It is thought quite likely, too, that, having ceded the sole remaining part of what tradition told all, and recollection many, were their once proud possessions, these unfortunate people could not look back without regret, nor forward without despair. They have not understanding to appreciate justly the beneficent designs of the Government for them, nor to know the value of that philanthropic policy which obtains their almost reluctant consent to measures that are intended exclusively for their benefit. They look over the wide domain, which once owned them for masters, with sorrow that it is gone, as the spendthrift who has squandered his estate in vice, with blasted reputation and decayed constitution regrets his poverty, when, with his habits and standing, his estate would be valueless if he had it. Crude ideas of this description, unshapen by any just conception of their own rights or those of others, would exercise an unfavorable influence upon minds acted on by so many and more immediate considerations. These children of impulse do not stop to inquire into the justness of their cause, the ground of offence, or the probable issue of the contest; nor would they be capable of it if they did. Their movements, whether of peace or of war, are as fitful as the storm, and for a season as little subject to control—as often undertaken without as with good reason; and the fact, that they had no longer a foothold in the country, is believed to have been one of the causes by which they were induced to strike for maintaining by force what they had parted with by contract.

Public opinion, in this lately harassed district, imputes to frauds committed upon the Indians in the transfer of their reservations a large influence in exciting them to hostilities; and this impression is, obviously, well founded. These frauds have been of the most flagrant character; disgraceful in the highest degree to those who perpetrated them, and unjust in a ruinous extent to those upon whom they were practised. It is difficult to imagine a state of things more discreditable than that which existed in the Creek country, for a short time, in respect of the sale of Indian locations. The thirst for gain appears to have impelled men to the cool and deliberate conception of schemes for plundering the improvident and ignorant savage of his property. The simplicity and credulity of the real holders now served the purpose of the designing; and again, and more frequently, Indian villany, trained for the occasion, was the instrument used. In the former cases, the consideration money was paid in the presence of the agent, and obtained afterwards, on some pretence, from the Creek who had



signed a contract for his land ; in the latter, one Indian was made to assume the name and character of another, the real owner of the reservation, and to pass through the necessary forms of its conveyance, for hire—being paid five or ten dollars for his services in this iniquitous business ; while the true reservee was miles distant, unsuspecting of the toil that was gathering around him. The knowledge of these transactions was not confined to the white residents, as the correspondence of Creek chiefs, with your department in 1835, fully shows. Many, or a few, such instances, would lead to the conviction in savage minds that all had been despoiled, even where an adequate consideration had been paid and received ; and all the feelings necessary to the sad transactions of the past spring and summer would be aggravated by the reflections consequent upon this belief. This influence was unquestionably potent. It was natural it should be so. Unable to comprehend their rights, and too willing to part with them for a disproportionate consideration, the Indians are still, without properly appreciating tenacious of their landed interests. Though generally silent, they were not unexcited spectators and auditors of what was passing. They stood upon their own land, while the currents and eddies of fraud were flowing and whirling around them with such rapidity and force as to threaten the undermining of the ground below their feet. Is it wonderful that in their cabins it should be the subject of conversation ; in their social meetings of spirited remark ; at their dances and ball-plays of impatient and exciting complaint ; and in their councils of inflammatory and fiery debate ? Among civilized men it is difficult to impose restraint upon a sense of wrong ; with the savage, impossible. I have no reason for asserting that those engaged in any way in the purchase of reservations took an active personal part in blowing the flame about to burst forth. So grave a charge I should deem myself unjustifiable in making against any man, unless upon the most clear and cogent proofs.

It may be remarked, in addition, that many of the Lower Creeks, among whom the great body of the hostile Indians resided, without one bond to bind them to truth or principle, and who had squandered the full price paid for their lands, imagined that all contracts would be overturned, and that they should again receive funds to expend upon the same course of debauchery and profligacy that had exhausted their empty purses.\* It is a remarkable fact, that, in many of those towns upon which the most numerous and glaring frauds are said to have been perpetrated, the Indian disposition was most peaceful. In some of them, not an arm was raised or a blow struck ; property remained untouched, and the inhabitants unharmed, who, though surrounded by a force many times larger than they could rally, pursued in dread, certainly for a season, but without molestation, their ordinary avocations. This branch of the inquiry has been prosecuted with the greater anxiety, because the memorial upon which the resolution of the House of Representatives of the 1st July, committing this matter to the President, was founded, distinctly sets forth the belief that fraudulent speculators in Indian lands had stirred up the late war. It was due to the convictions of the memorialists ; to the representations they had made to the Legislature of our country ; to the Government, and the confidence it had reposed in the commissioners, that no exertion on their part should be want-

\* See Captain Page's letter of 9th May, 1836, Doc. H. R. 276, p. 386. Letter of Opothleyoholy and other chiefs, dated 16th March, 1835, same doc. p. 129.

ing to arrive at truth in this serious matter. I have devoted to it my best efforts, and the result has been stated.

Several of the foregoing positions are sustained by the communication made to the commissioners by Governor Clay, of Alabama, on the 27th October last, which accompanies this report. As the chief magistrate of the State, within whose limits the Creek Indians lived, his most vigilant attention was directed to their movements. He had the fullest means of information; and the best opportunity for determining correctly upon the causes of the danger that impended over his fellow-citizens. With what zeal, ardor, and ability, he performed his public duty, in the exigency that arose, is well known. They were such as to insure to him the respect, approbation, and gratitude of his constituents, and would have commanded precise knowledge on the subject of this report, if accessible.

On or about the 1st day of June last, a man named — Earle was committed to the prison of Montgomery county, in this State, on a charge of exciting the Indians to war. He died in jail before his trial, and but little is known of his movements. It appears, however, that about the time, or shortly before, the hostilities commenced, he was among the Creeks, and read and explained to them an inflammatory proclamation issued by Sir George Cockburn, when commanding a British fleet off our coast during the war of 1812, and circulated among the Indians, at that time, with the view of inducing them to rise. How, or where, these papers were husbanded and concealed during so long a time, is unknown. Whether Earle had them in his own possession, and circulated them among the savages, or found them in their cabins, and thence distributed them, does not clearly appear; but, Opothleyoholo, in a talk which he held with the Governor of Alabama on the 30th of May last, stated that "he had received information of a matter he had been unable properly to comprehend—it was concerning a paper or letter said or pretended to have been sent from people beyond the seas—this, it was said, had been circulated in some of the Indian towns." Colonel Hogan called on Earle in prison, to whom he admitted he had read the proclamation to the Indians, and explained it, so far as his knowledge of the Creek language enabled him to perform that office; and, upon being asked "how many of these papers were issued among the Indians?" he replied "he had seen several." This man represented himself to be a son of the prophet Francis, on the information, as he said, of his mother, and he had an Indian wife. The transaction is mysterious, and made more so by his death, which has thrown over it a cover that cannot be removed by any known means. What motive could have prompted him to such a step? If fully explained, as his communication to Colonel Hogan would seem to import, and Opothleyoholo's talk to countenance, the proclamation itself could not have produced the war; and, besides, hostile dispositions had evinced themselves long before his appearance in "the nation." But, the coincidence of such acts with the existing condition of Creek relations, stamps his conduct with a complexion from which there is no escape. Good could not come of it, under any circumstances; harm, grievous evil, might follow as things were. Part of the Creek nation was a magazine; a spark only was necessary to an explosion, and that spark Earle may have supplied. The heat and anger which prevailed among the hostiles, their ignorance and consequent liability to misapprehension, may have given to this paper, in combination with other

stimulants, a most malign influence. How far, or to what extent, it operated, cannot now be ascertained ; but that it may have furnished an additional impulse to the warlike dispositions, and perhaps, at that time, the hostile determination of the Indians, cannot, I think, be well doubted.

Among the early acts of Indian hostility, the mail stage was, on the 16th May last, fired upon, life taken, and the mail rifled of its contents. Philander R. Broad, a white man, was soon after arrested on the charge of having participated as a principal in the commission of this crime. He was tried at the late December term of the district court of South Alabama and convicted. What steps he may have taken to seduce the savages to this act, or what other part he may have had in fomenting their ill feeling towards the white inhabitants, I am not informed. He was once a man of some respectability, but fell away into evil courses, and betook himself to Indian association. The robbery of the mail could scarcely have been a Creek project, though the murder of those in the stage might have been. The man who had control over the Indians, and could apply it to one bad purpose, would be likely to use it for another ; and Broad's agency may have had more effect in producing the late hostilities than can ever be reached. His thirst for money was the probable inducement to the crime mentioned ; but his conduct renders him obnoxious to the imputation that his counsel was among the influences that arrayed his wild associates in arms against the Government.

The foregoing, operating upon the remnant of a once rich, powerful, proud, and haughty, but now broken, dissolute, scattered, and depraved nation, were among the chief causes of the recent hostilities, made more active, doubtless, by individual grievances, real or supposed. In a savage community, having daily intercourse with the whites, among whom some will always be found whose desire of pecuniary gain will be too strong for the control of principle and conscience, heart-burnings must spring up from the overreachings and frauds that are daily practised on the weaker party, which are sometimes so flagrant as not to escape the notice of even the wild men upon whom they are put ; though, without question, the impositions are numberless, which the possession of some showy, but useless, and more frequently destroying, article glossed over with apparent fairness. So it always has been, and ever will be. In the Creek country, however, these evils have reached their greatest height, from the fact that the Indians have been receiving, and were known by everybody to have, large sums of money. That which is universally sought as a positive good, and might have been to them a blessing, has been generally converted into a curse. A visit to "the nation" made four months ago, or even now, would convince the most sceptical of the propriety, in every aspect, of the removal of these unfortunate beings to a country exclusively their own.

The treaty of 1832 was conceived and made in a spirit of great liberality by the United States. The money arrangements, so far as the time for their performance has arrived, have been promptly and faithfully executed on our part. The Government gave a most reluctant assent to the principle of reservation, which has been the prolific parent of most of the misfortunes of the misguided Indians. The President, well acquainted with the weakness that characterizes them, and the boundless cupidity of many who rest their hopes of amassing fortunes upon that imbecility, objected to this provision ; remonstrated and reasoned, as far as it was practicable, with the other contracting party, against a stipulation that must work in-

juriously, but in vain. The Creek chiefs were prepared to resist, and did oppose, the receipt of so much of the consideration in any other form, insisting that upon no other principle would they treat. Acquiescence became indispensable, and the result shows the wisdom of the suggestions made by the Chief Magistrate. The contract of necessity assuming its present shape, every prudential proviso was inserted that the guardian position of the one party required in favor of the other. No guard that could be thrown around Indian rights was omitted, and every shield that seemed capable of warding off assaults upon their interests was upheld. The parental duty of protecting these wards of the United States from harm was sedulously performed by the details of the treaty. The lands reserved to the chiefs and heads of families they could dispose of only with the approbation of the Executive, under whose direction and superintendence the twenty sections provided for "the orphan children of the Creeks" were to be disposed of for the benefit of those interested. To leave to them the power of disposition, would be to give to the breeze the property they so pertinaciously adhered to in negotiation, and every consideration of humanity and justice called upon the United States to provide for the security of those who had no care for themselves. The earliest and most vigorous measures were adopted for executing, in its true spirit, and with the utmost fidelity, the engagements of the Government. The survey of the tract of country ceded (amounting to 5,200,000 acres) commenced under orders issued within one month of the ratification of the treaty, and was prosecuted with the greatest diligence until finished, in December, 1833, so far as to enable the War Department to locate the Indians upon their different reservations, amounting, besides the orphan land, to 6,676,\* and covering 2,174,400 acres. To this end a census of the Creek nation was ordered on the 14th May, 1832; exhibiting, on its return in May, 1833, an entire population of 23,566 souls. The preparations for assigning his land to each reservee, under the treaty, were most laborious, and necessarily, with all the devotion that could be bestowed, occupied the time mentioned; and the marvel is, that so much was accomplished. In making the allotments, the improvements of the Indians were a leading object of attention by the compact; and to ascertain to whom they belonged, required vigilance, labor, and patience. The work of location was completed in January, 1834. These steps preceded, as they must, all sales of reservations; but proper officers were appointed to superintend them, and commenced operations early in 1834, which have since been prosecuted vigorously, except for a short time in 1835, when they were suspended on the allegation, sustained by public opinion, and the strongest representations to the Government, of frauds having been practised on the simple-minded Indians, and when the late hostilities made progress in the business impossible. That these sales should not have been heretofore closed is certainly not surprising, when it is recollected that they were made at the option of the Indian, the time entirely at his own disposal, and subject only to such supervision of the President as would protect him from imposition. He is tardy in his movements, and the public agents were obliged to wait his pleasure, for the choice of selling or retaining was secured to him. That frauds should have been committed can excite no astonishment, and, in fact, was greatly apprehended. The ignorance of the Creek—his depravation—the want of acquaintance with his person, his features, residence, name, and

\* This number includes the 29 sections provided for in the 6th article of the treaty.

character—and the overweening avarice of some men, prompted the unprincipled to hiscircumvention. Every effort was made, as the instructions to public agents sent hither will prove, to save them from injustice ; ingenuity was taxed, and the aid of every physical, moral, and religious restraint invoked to shield the weak and simple from the wiles and cunning of the artful. Every exertion has been made to correct the wrongs it was impossible to prevent, and these efforts have been renewed, and are again put forth, for whatever protection it is necessary, or found practicable, to afford. It is, however, matter of gratulation that much has been done for these helpless children of nature—much more than even the well-informed are, perhaps generally aware of; and the heart of the philanthropist may rejoice to learn that \$890,400 have been received by the Indians on approved contracts and that, if the remaining locations shall yield at the same rate, the further sum of \$1,566,812 80,\* independent of the twenty sections reserved for the orphan children of the Creeks, or, with them, \$1,581,276 80 will be realized for them under the treaty. That the most advantage should not be made by these recipients of the parental care of the Government, and that the large sums paid them should have been to a great extent thrown away, is matter of deep regret to all, who have hearts to feel for this benighted race ; but they alone could possess and control the use of their own funds. Their improvidence and waste is inseparable from their condition, and so long as they remain a barbarous people, they must be thoughtless, selfish, and sensual. All that the beneficence of the Government could do, has been attempted in the only modes justified by law, and it has accomplished all that could reasonably have been anticipated under the circumstances. In whatever it has failed, the censure is imputable to those of our own color, to whom the wrong and shame belong of entrapping the silly and infatuated Indian to gratify the most base and sordid passion. Let the persons inclined to complain vent their reproaches upon the heads of those who were willing to receive the property of the deluded and deceived Creek without any consideration; whose machinations induced him to falsify, and represent himself to be the owner of land that was not his, and for a paltry sum to convey what belonged to another by assuming his name ; who imposed on the Government agents, by paying the purchase money in their presence, and receiving it again from their victims. Let the querulous visit Alabama, and they will find that but one sentiment prevails in “the nation ;” that public meetings reiterate the opinions and convictions conveyed to Congress in memorials ; that the citizens, individually and collectively, speak with one voice, and that so loud as to penetrate the remotest corners of this quarter of the country, and reach beyond them. The field of speculation that was opened was wide ; many entered it, and some reaped with what dexterity they could, endeavoring to acquire estates, which must always be too dearly bought when the price is reputation.

The remaining duty of the commissioners (an investigation into the “alleged frauds in the purchase of the reservations of the Creek Indians,” with a view to the confirmation or rejection of the contracts by the President) is in a course of performance. The result of their labors in this particular will be reported in detail as soon as practicable. Until that report is made, I forbear any remarks upon the subjects to which it will relate,

\* Of this sum a considerable part has been already received, but how much cannot be ascertained, until the contested contracts are passed upon, and all those lately certified are reported.



other than those which occur as necessary to the elucidation of the principal topic of this communication. In the mean time, it may be observed, that there are several hundred locations yet open, which have never been sold, or certified to the President—including a large number of cases where death has intervened, and descent been cast according to the laws of Alabama. The commissioners, in the discharge of their duty, will probably be constrained to recommend the reversal of many contracts, which, with those unsold, will make a large Creek interest in this country. The period during which the right of the Indian to sell was reserved to him by the treaty, approaches its termination. The 24th March, or 4th April next, (the latter it is conceived,) as the signing of the treaty, or its ratification, may be taken for the commencement of its operation, will put an end to the locatee's right of sale. The emigration to Arkansas, and the legal inability of minor heirs, bar any sales at present by these classes of holders of land; while the Creek service in Florida renders it highly improbable that those engaged in it will have an opportunity to convey within the prescribed time. It is thought no regret should be occasioned by these circumstances, if, in the judgment of Congress, legislative provision can be interposed to save the Indian from himself. New relations between him and the United States are about to exist. When the five years shall have elapsed, all power of the Creek over the sale of his reservation will cease, and the authority of the Government to dispose of it, irrespective of Indian agency, will be full and complete. Still, the right of the reservee to the proceeds of the sale will be as strong and perfect as it ever was, and the character of trustees belongs to the United States as much and as clearly as heretofore. If the avails are paid directly, to the Creek, they will be lost and wasted as they have been, and might as well, so far as he is concerned, be flung into the ocean. It is suggested, that authority may be conferred by law to have the reservations unsold, and which will remain to the Indians by the overturning of pretended contracts, valued by competent persons appointed for the purpose, and sold at public auction, or otherwise, as shall be considered most judicious; that the money raised by such sales might be funded for the benefit of the Indians, according to the sums at which their reservations respectively sold, and the dividends on it applied, under the direction of an agent, exclusively to the purchase of the necessaries and comforts of life. If it should happen, in a few special cases, that the interest of the fund would amount to more than the wants of the individual required, the excess might be added to the principal sum, and in increase of the capital stock. The authority (of course to be prospective, and the law to become operative at the end of the five years) could not embrace such as choose to avail themselves of the fourth article of the treaty. It may be conceived that this instrument stands in the way of such legislation: perhaps it does; but it strikes me that the whole ground is open as to those who have removed, or may remove, and who shall not have effected sales within the specified time. The treaty evidently looked to dispositions within five years, and it seems to have been expected that no selection would remain unsold on the 4th of April, 1837, unless it belonged to one who chose to remain; for, with the exception of persons who had so determined, there is no provision for ulterior measures. In many instances, where Indians have died, leaving reservations, administration has been taken out on their estates, and orders of court, for the sale of their lands, procured under a law of the State, by virtue of which sales have been made by the administrators. How far

these sales are valid, is not ascertained; but memorials have been filed asking the commissioners to take such steps as shall enable the purchasers to obtain patents from the Government. Considerable sums of money, raised in this way, are represented to be in the hands of administrators. It becomes a question, what legal provision should be made for the receipt of this money from the persons who hold it, and how it should be disposed of, for the use of those entitled to it? If the sales are good, and take away the land, undoubtedly the legal representatives of the Indian should receive whatever balance may remain, on settlement of his account, in the possession of the administrator; but the absence of some, and total incapacity for business of all, preclude the possibility of a proper adjustment, and the probability of any adjustment whatever of their interests by themselves. It is not perceived that authority exists elsewhere for receiving the money, or making such an acquittance as would protect the administrator. If provision were made for this class of cases, and the intimations before given approved, the same agent might perform the entire duty, and give all the funds he should receive one direction.

It is, however, for the wisdom of Congress to determine what, if any thing, ought to be done in the premises. These suggestions are submitted for what they are worth, and thrown out in the hope of attracting attention to the subject. Some of them have been made in communications heretofore transmitted to your department; but it was deemed not inopportune to introduce them here.

Soon will the last of the Creeks be beyond the Mississippi. When the United States shall have conferred upon them every benefit they are capable of improving, much will still be due to them. We cannot forget that what is now ours, was once theirs. The philosopher may muse with advantage on their fate, and trace in it the workings of humanity, through all their relations to us. The beginning, the advance, and decline of the various systems, in all their extent, that have been devised in savage or civilized life to punish crimes, reward virtue, and promote happiness, make up the history of our kind; yet different fortunes await the white man and the aboriginal. Of the former, nations may encroach on each other, or wars terminate in conquest; still the people remain, with all their peculiarities of manners, customs, and habits, to breathe the same air and look upon the same sky, perhaps to revolutionize their country, and, in turn, to conquer; but the son of the woods retires as we advance, is corrupted by the arts and lures of civilization, and a nation of warriors shrinks into a mean and spiritless few, without aim, and incapable of effort. It is late in the Indian's day, and his sun, it is to be feared, will soon set. The only atmosphere through which it can much longer light his way, is west of the great river.

The Government contemplate a system of rule for those, so well entitled to protection, which, while it shall comprise all the firmness and power so indispensable to their proper control, and the exclusion of all white admixture from their association, will, it is hoped, partake largely of the parental character. There can be no more noble work than the employment of a portion of our public funds in qualifying the future Indian for a change of life. For the adult, much cannot probably be done; for the minor and his posterity, every thing. The establishment of schools that will furnish a plain education to every Indian child in existence, and that shall open their doors to all the afterborn, would, within two or three generations, reclaim

whole nations of men from wild pursuits and wilder tempers, and win them to the cultivation of the soil, to social and moral habits, to the practice of virtue, and the following of the true God.

I have the honor to be,

Very respectfully,

Your obedient servant,

T. HARTLEY CRAWFORD,  
*Commissioner, &c.*

Hon. B. F. BUTLER,  
*Secretary of War.*